

CLEMENCY MATTERS

Pursuant to Rules for Courts-Martial (RCM) 1105, after a sentence is adjudged in any court-martial (after completion of trial), the accused may submit matters to the convening authority. The accused may submit any matter that may reasonably tend to affect the convening authority's decision whether to disapprove any findings of guilt or to approve the sentence.

The convening authority is only required to consider written submissions. Submissions are not subject to the Military Rules of Evidence, and may include:

- Allegations of errors affecting the legality of the findings or sentence;

- Portions or summaries of the record and copies of documentary evidence offered or introduced at trial;

- Matters in mitigation which were not available for consideration at the court-martial;

- Clemency recommendations by any member, the military judge, or any other person. The defense may ask any person for such a recommendation.

Any person offering such a recommendation is not subject to cross examination or otherwise challenged about the basis for or accuracy of the opinion offered in the particular recommendation.

The following clemency materials were submitted in accordance with RCM 1105. In addition, the materials contain written matters from the alleged victim and trial counsel.

23 January 2013

MEMORANDUM FOR RECORD

FROM: 31 FW/JA

SUBJECT: SJAR Receipt

In the case of *US v. Lt Col James H. Wilkerson*, the SJAR receipt from defense dated 13 December 2012 was received electronically and is the original document.

//Signed/AQG/23JAN13//
ALISA Q. GADDY, SSgt, USAF
Paralegal, Military Justice



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAFE)

MEMORANDUM FOR DEFENSE COUNSEL

FROM: 3 AF/JAJ
Unit 3270
APO AE 09094

SUBJECT: *United States v. Lieutenant Colonel James H. Wilkerson*, 31st Operations Group
(USAFE), Aviano Air Base, Italy

1. Attached is a copy of the Staff Judge Advocate's Recommendation (SJAR) with attachments furnished in compliance with R.C.M. 1106(f)(1). An authenticated copy of the record of trial in this case either has been provided to you or is available for review at the base legal office. Please sign for receipt of the SJAR in the space provided below and scan/e-mail the signed receipt to our office at 3af.ja@ramstein.af.mil or fax a copy to DSN 314-480-5438. Return the original of this letter, along with said acknowledgment, to our office at the address above as soon as possible.

2. If you have any questions, please contact our office at DSN 314-480-8992.

/s/ab 12 Dec 12
ARNOLD BRAXTON, SSgt, USAF
Paralegal, Military Justice

RECEIPT

I hereby acknowledge receipt of the Staff Judge Advocate's Recommendation, including the attachments, in the above case this 13th day of Dec 2012.

(b) (6)

Defense Counsel

27 February 2013

MEMORANDUM FOR RECORD

FROM: 31 FW/JA

SUBJECT: SJAR Addendum Receipt

In the case of *US v. Lt Col James H. Wilkerson*, the SJAR Addendum receipt from the accused dated 4 February 2013 was received electronically and is the original document.

//Signed/AQG/27FEB13//
ALISA Q. GADDY, SSgt, USAF
Paralegal, Military Justice



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAFE)**

MEMORANDUM FOR DEFENSE COUNSEL

FROM: 3 AF/JA
Unit 3270
APO AE 09094

SUBJECT: Addendum to the Staff Judge Advocate's Recommendation: *United States v. Lt Col James H. Wilkerson*, 31st Operations Group, Aviano Air Base, Italy (USAFE)

1. Attached is a copy of the Addendum to the Staff Judge Advocate's Recommendation (SJAR) furnished in compliance with R.C.M. 1106(f)(7). Please sign for receipt of the Addendum to the SJAR in the space provided below and scan/e-mail the signed receipt to our office at 3af.ja-02@ramstein.af.mil or fax a copy to DSN 314-480-5438. Return the original of this letter, along with said acknowledgment, to our office at the address above as soon as possible.

2. If you have any questions, please contact our office at DSN 314-480-8992.

//Signed/dlc/4 Feb13
DANA L. CUMMINS, MSgt, USAF
NCOIC, Military Justice

RECEIPT

I hereby acknowledge receipt of the Addendum to the Staff Judge Advocate's Recommendation, including the attachments, in the above case this 6 day of February 2013.

(b) (6)

Alexander Lowry, Capt, USAF
Defense Counsel

DEFENSE RESPONSE TO STAFF JUDGE ADVOCATE'S
RECOMMENDATION IS INCLUDED WITH THE
R.C.M. 1105 SUBMISSIONS

27 February 2013

MEMORANDUM FOR RECORD

FROM: 31 FW/JA

SUBJECT: SJAR Receipt

In the case of *US v. Lt Col James H. Wilkerson*, the SJAR Addendum receipt from the accused dated 13 December 2012 was received electronically and is the original document.

//Signed/AQG/27FEB13//
ALISA Q. GADDY, SSgt, USAF
Paralegal, Military Justice



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAFE)

MEMORANDUM FOR LIEUTENANT COLONEL JAMES H. WILKERSON

FROM: 3 AF/JAJ
Unit 3270
APO AE 09094

SUBJECT: *United States v. Lieutenant Colonel James H. Wilkerson*, 31st Operations Group
(USAFE), Aviano Air Base, Italy

1. Attached is a copy of the Staff Judge Advocate's Recommendation (SJAR) with attachments furnished in compliance with R.C.M. 1106(f)(1). An authenticated copy of the record of trial in this case either has been or will be provided to you. Please sign for receipt of the SJAR in the space provided below and scan/e-mail the signed receipt to our office at 3af.ja@ramstein.af.mil or fax a copy to DSN 314-480-5438. Return the original of this letter, along with said acknowledgment, to our office at the address above as soon as possible.
2. If you have any questions, please contact our office at DSN 314-480-8992.

/s/ab 12 Dec 12
ARNOLD BRAXTON, SSgt, USAF
Paralegal, Military Justice

RECEIPT

I hereby acknowledge receipt of the Staff Judge Advocate's Recommendation, including the attachments, in the above case this 13 day of December 2012.

(b) (6)

JAMES H. WILKERSON, Lt Col, USAF

27 February 2013

MEMORANDUM FOR RECORD

FROM: 31 FW/JA

SUBJECT: SJAR Addendum Response

In the case of *US v. Lt Col James H. Wilkerson*, the SJAR Addendum Response dated 23 February 2013 was received electronically and is the original document.

//Signed/AQG/27FEB13//
ALISA Q. GADDY, SSgt, USAF
Paralegal, Military Justice



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAFE)

MEMORANDUM FOR LIEUTENANT COLONEL JAMES H. WILKERSON

FROM: 3 AF/JA
Unit 3270
APO AE 09094

SUBJECT: Addendum to the Staff Judge Advocate's Recommendation: *United States v. Lt Col James H. Wilkerson*, 31st Operations Group, Aviano Air Base, Italy (USAFE)

1. Attached is a copy of the Addendum to the Staff Judge Advocate's Recommendation (SJAR) furnished in compliance with R.C.M. 1106(f)(7). Please sign for receipt of the Addendum to the SJAR in the space provided below and scan/e-mail the signed receipt to our office at 3af.ja-02@ramstein.af.mil or fax a copy to DSN 314-480-5438. Return the original of this letter, along with said acknowledgment, to our office at the address above as soon as possible.
2. If you have any questions, please contact our office at DSN 314-480-8992.

//Signed/dlc/4 Feb13
DANA L. CUMMINS, MSgt, USAF
NCOIC, Military Justice

RECEIPT

I hereby acknowledge receipt of the Addendum to the Staff Judge Advocate's Recommendation, including the attachments, in the above case this 4th day of Feb 2013 2013.

(b) (6)

JAMES H. WILKERSON, Lt Col, USAF



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAFE)

MEMORANDUM FOR 3 AF/CC

12 DEC 2012

FROM: 3 AF/JA

SUBJECT: Staff Judge Advocate's Recommendation – *United States v. Lieutenant Colonel James H. Wilkerson*

1. On 2 August 2012, you referred the case of Lieutenant Colonel James H. Wilkerson, 31st Operations Groups, Aviano Air Base, Italy, to trial by general court-martial. On 26 October 2012, court convened. Attached is the AF Form 1359, Report of Result of Trial, which summarizes the charges and specifications, pleas, findings, and sentence. Also attached is a personal data sheet on the accused for your consideration prior to taking action on the sentence. Pursuant to RCM 1106, I make the following recommendations.
2. The primary evidence against the accused consisted of witness testimony. There is no corrective action required in regard to the findings of guilty. I am satisfied that the evidence upon which the conviction is based is legally sufficient.
3. The character of the accused's service prior to charges was excellent. There was no recommendation for clemency by the sentencing authority.
4. The accused was sentenced to a dismissal and confinement for one year. The maximum imposable sentence for the offenses for which the accused was convicted is a dismissal, 30 years confinement, total forfeitures, and a fine.
5. On 8 November 2012, the defense counsel submitted a request on behalf of the accused that you defer the automatic forfeitures until you take action in this case (Atch 3). On 16 November 2012, you approved the defense counsel's request (Atch 4).
6. I have considered all matters in the record of trial, including all matters presented in the pre-sentencing portion of the trial. The sentence adjudged is appropriate for the offenses for which the accused was convicted. I recommend you approve the sentence as adjudged.

(b) (6)

JOSEPH P. BIALKE, Colonel, USAF
Staff Judge Advocate

4 Attachments:

1. AF Form 1359
2. Personal Data Sheet
3. Request for Deferment of Automatic Forfeitures, Capt Jeffrey Martin, dtd 13 Nov 12
4. 3 AF/CC Approval of Request for Deferment of Automatic Forfeitures, dtd 16 Nov 12

REPORT OF RESULT OF TRIAL <i>(This form may also be used for reporting the result of trial by summary court-martial)</i>		DATE 20121103	
TO: <i>(Address to immediate commander of accused)</i> 31st Operations Group Commander Unit 6170 Box 310 APO AE 09604			
NOTIFICATION UNDER R.C.M. 1101(a) IS HEREBY GIVEN IN THE CASE OF:			
NAME: <i>(Last, First, Middle Initial)</i> Wilkerson, James H.		RANK Lt Col	SSN (b) (6)
ORGANIZATION 31st Operations Group Aviano Air Base, Italy 09604		TYPE OF COURT	
		<input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> JUDGE ALONE	<input type="checkbox"/> SPECIAL <input type="checkbox"/> JUDGE ALONE
SUMMARY			
SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS			
UCMJ ARTICLE	NATURE OF OFFENSE	PLEAS	FINDINGS
CHARGE I: Art 120		NG	G
Specification 1:	Did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, engage in sexual contact with (b) (6) to wit: fondling her breasts with his hands, doing so when (b) (6) was substantially incapable of appraising the nature of the sexual contact.	NG	G
Specification 2:	Did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, engage in a sexual act with (b) (6), to wit: digital penetration of her vagina, doing so when (b) (6) was substantially incapable of appraising the nature of the sexual act.	NG	G
CHARGE II: Art 133		NG	G
Specification 1:	A married man, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, wrongfully enter a bed occupied by (b) (6) a woman not his wife, which act, under the circumstances,	NG	G
SENTENCE Dismissal, Confinement for one year "DNA PROCESSING REQUIRED" "SEX OFFENDER NOTIFICATION REQUIRED"			
PRETRIAL CONFINEMENT CREDIT <i>(Including military and civilian confinement.) (In days.)</i> N/A			
DATE SENTENCE ADJUDGED <i>(Or acquittal announced)</i> 20121103			
DISTRIBUTION <i>(Prescribed by convening authority)</i> 2 - 3 AF/CC/JA 2 - 31 FW/CC/JA 1 - 31 OSS/CSS 1 - 31 FSS (Special Actions) 1 - 31 CPTS/FMFM 3 - 31 SFS/SFOI/SFAR/NCOIC CONFINEMENT 1 - AFOSI DET 531 1 - AF/JAT (CDO) 1 - AF/JAT (European Region) 2 - Mannheim Confinement 1 - USAFE/JA 1 - AFLOA/ADC		<i>(CHECK ONE)</i>	
		<input checked="" type="checkbox"/> TRIAL COUNSEL	<input type="checkbox"/> SUMMARY COURT OFFICER
		DETAILED BY BRYAN D. WATSON, Lt Col, USAF	
		TYPED NAME AND GRADE VY S. NGUYEN, Capt, USAF	
		SIGNATURE (b) (6)	

AF 1359, 20001101 (EF-VI)

PREVIOUS EDITIONS ARE OBSOLETE

Continuation of AF Form 1359, Report of Result of trial, dated 20121103, Lieutenant Colonel James H. Wilkerson

UCMJ Article	Nature of Offense	Pleas	Findings
(continued)	constituted conduct unbecoming an officer and a gentleman.		
Specification 2:	A married man, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, wrongfully engage in sexual contact with (b) (6), a woman not his wife, to wit: fondling her breasts with his hands, which act, under the circumstances, constituted conduct unbecoming an officer and a gentleman.	NG	G
Specification 3:	A married man, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, wrongfully engage in a sexual act with (b) (6) a woman not his wife, to wit: digital penetration of her vagina, which act, under the circumstances, constituted conduct unbecoming an officer and a gentleman.	NG	G

PERSONAL DATA SHEET

DATE PREPARED: 3 November 2012

NAME OF ACCUSED: James H. Wilkerson

ORGANIZATION: 31st Operations Group

SSN: (b) (6)

RANK: Lieutenant Colonel

PAY GRADE: O-5

DATE OF BIRTH: (b) (6)

TAFMSD: 15 February 1992

LENGTH OF SERVICE: 20 years, 8 months

AFSC: 87G0

MILITARY TEST SCORES: N/A

BASIC PAY: \$8,199.30

HARDSHIP DUTY PAY: N/A

INITIAL DATE OF CURRENT SERVICE: N/A

TERM OF CURRENT SERVICE: N/A

PRIOR SERVICE: N/A

OVERSEAS SERVICE (OCONUS):

28 July 2000 – 28 April 2003; Misawa Air Base, Japan

2 July 2006 – 3 July 2007; Headquarters Allied Air Component Command (AIRSOUTH),
Izmir, Turkey

28 June 2010 – 30 June 2011; Kunsan Air Base, Korea

15 July 2011 – Present; Aviano Air Base, Italy

COMBAT SERVICE: Operation Northern Watch – June – September, 2001
Operation Southern Watch – September – December, 2002
Operation Iraqi Freedom – January – March, 2010
Combat Support to Operations in Libya – August, 2011
Overall Combat Flying Hours: 282.1 hours

NATURE OF PRETRIAL RESTRAINT: N/A

MARITAL STATUS: Married

NUMBER OF DEPENDENTS: 2

NUMBER OF PREVIOUS COURT-MARTIAL CONVICTIONS: 0

NUMBER OF PREVIOUS ARTICLE 15 ACTIONS: 0

PROSECUTION EXHIBIT 7 FORM 10
OFFERED PAGE _____ ACCEPTED/REJECTED PAGE _____
PAGE 1 OF 2

AWARDS AND DECORATIONS:

Defense Meritorious Service Medal
Meritorious Service Medal, 5 devices
Air Medal, 2 devices
Air Force Commendation Medal, 1 device
Aerial Achievement Medal, 1 device
Air Force Achievement Medal
Air Force Meritorious Unit Award, 1 device
Air Force Outstanding Unit Award, 3 devices
Combat Readiness Medal, 4 devices
National Defense Service Medal, 1 device
Iraqi Campaign Medal, 1 device
Global War on Terrorism Service Medal
Korean Defense Service Medal
Armed Forces Expeditionary Medal
Air Force Overseas Short Tour Ribbon, 1 device
Air Force Overseas Long Tour Ribbon
Air Force Expeditionary Service Ribbon
Air Force Longevity Service Award, 4 devices
Air Force Training Ribbon
NATO Medal

23 January 2013

MEMORANDUM FOR RECORD

FROM: 31 FW/JA

SUBJECT: Request for Deferment

In the case of *US v. Lt Col James H. Wilkerson*, the Request for Deferment dated 13 November 2012 was received electronically and is the original document.

//Signed/AQG/23JAN13//
ALISA Q. GADDY, SSgt, USAF
Paralegal, Military Justice



DEPARTMENT OF THE AIR FORCE
AIR FORCE LEGAL OPERATIONS AGENCY

13 November 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: AFLOA/ADC (Capt Martin)

SUBJECT: Deferral of Forfeitures, United States v. Lt Col James Wilkerson

1. Sir, on 3 November 2012, Lt Col Wilkerson was sentenced to one year in confinement and a dismissal. Due to the combination of those types of punishments, his sentence also includes the forfeiture of all pay and allowances. If you do not take action on the case within this fourteen day period, under Article 57, UCMJ, Lt Col Wilkerson will automatically forfeit all of his pay and allowances while in confinement. As a result, his wife, Mrs. Beth Wilkerson, will be left without adequate support for their 9 year old son, (b) (6). As the convening authority, you have the authority to defer the automatic forfeitures until such time as you take action on the sentence. Since I expect that you will not be presented with an opportunity to take action until December, at the earliest, I am requesting on behalf of Lt Col Wilkerson, that you defer the forfeiture of pay and allowances until you take action on the case.

2. The purpose of this request is so that Lt Col Wilkerson can continue to support his family, especially his son, (b) (6). Lt Col Wilkerson is the sole wage earner and the Wilkersons, while prepared for this outcome as best they could be, will have the almost impossible task of replacing his income which was the sole source of support for (b) (6). (b) (6) had no role in the offenses and has not been unduly enriched. This money will be used during this difficult time to ensure his family is not effected by the sentence nor punished for the offenses his father was found guilty for.

3. Lt Col Wilkerson makes this request so that his son, through his spouse, may continue to receive support for the duration of the administrative post-trial actions – until you have the opportunity to act on the sentence. By making this request, Lt Col Wilkerson does not waive his right to submit additional requests for clemency. Thank you for your time and favorable consideration of this request. You may reach me at DSN 226-3608.

(b) (6)

JEFFREY S. MARTIN, Capt, USAF
Area Defense Counsel



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAFE)**

11 6 NOV 2012

MEMORANDUM FOR LIEUTENANT COLONEL JAMES H. WILKERSON

FROM: 3 AF/CC

SUBJECT: Request for Deferment of Automatic Forfeitures - *U.S. v. Lieutenant Colonel James H. Wilkerson*, Aviano Air Base, Italy

On 13 November 2012, your defense counsel, on your behalf, submitted a request for deferment of automatic forfeitures. I have reviewed your request and it is granted. The automatic forfeitures are deferred from 17 November 2012 until the date I take action on this case.

(b) (6)

CRAIG A. FRANKLIN
Lieutenant General, USAF
Commander

cc:
Capt Jeffrey S. Martin, AFLOA/ADC
31 FW/JA



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAF)**

MEMORANDUM FOR 3 AF/CC

04 FEB 2013

FROM: 3 AF/JA

SUBJECT: Addendum to Staff Judge Advocate's Recommendation – *United States v. Lieutenant Colonel James H. Wilkerson*

1. Pursuant to Article 60, UCMJ, Lieutenant Colonel James H. Wilkerson has submitted the attached matters (Atchs 2-79) for your consideration prior to taking final action in this case. Rule for Courts-Martial 1107(b)(3)(A)(iii) provides that you must consider these matters before taking final action in this case. In addition, you may consider the record of trial, personnel records of the accused, and such other matters as you deem appropriate. However, if you consider matters adverse to the accused from outside the record, with knowledge of which the accused is not chargeable, the accused must be notified and given an opportunity to respond.
2. I reviewed the attached clemency matters submitted by the defense. The defense alleges: the military judge erred in his ruling regarding Brigadier General Pamela K. Milligan's testimony; a perception was raised that the accused did not have the opportunity for a fair trial because the pool of members from which you chose court members had many medical members but did not include a pilot; AFOSI conducted a substandard investigation thereby hurting the accused's chances to show his innocence; the victim was not substantially incapacitated; the sentence was too severe based upon the accused's many years of honorable service, family considerations, registration requirements as a sex offender, and based upon comparisons with other sexual assault crimes with less severe sentence dispositions; and the victim in the case, lacked sufficient credibility. I have considered these allegations of error, and I find them to be without merit.
3. In defense's clemency submission, defense counsel requested waiver of automatic forfeitures for the benefit of the accused's spouse, Mrs Beth Wilkerson, and the accused's dependent son, (b) (6). I recommend you approve the waiver effective on the date you take action in this case for a period of 6 months or accused's term of confinement whichever is less.
4. In several of the attachments to the defense's clemency submissions, there were allegations made which could be construed as allegations of potential prosecutorial misconduct. Accordingly, I requested affidavits from Colonel Don Christensen (lead trial counsel), Captain Ben Beliles (co-trial counsel), and Dr Gabriel Holguin (clinical and forensic psychologist) to address those allegations (Atch 80). Consequently, copies of defense clemency matters were provided to trial counsel to specifically respond to any assertions concerning trial counsels' conduct during the case's preparation and prosecution. I reviewed the subsequent affidavits provided to me from Colonel Christensen, Captain Beliles, and Dr Holguin for the sole purpose of assessing trial counsel's conduct during the case's preparation and prosecution (Atchs 81-83). I have considered the allegations in the attachments to the defense's clemency submissions, as well as the subsequent affidavits provided at my request, and I find the allegations in the attachments to the defense's clemency submissions to be without merit.

5. On 31 January 2013, (b) (6) emailed me a letter addressed to the convening authority with the subject "Rebuttal to Clemency Request" (Atch 84). I reviewed (b) (6) letter. Within the letter, she provided opinions in regards to, and apparent rebuttal of, the defense clemency matters previously submitted by the defense to the convening authority. Upon inquiring into how (b) (6) obtained copies of the defense clemency matters submitted to the convening authority in order to write her letter, I determined she had previously verbally requested a copy of the defense clemency matters from 31 FW/JA. Accordingly, 31 FW/JA allowed (b) (6) to review the defense's submitted clemency matters. (b) (6) subsequently wrote and submitted her letter to the convening authority (Atch 84).

6. I recommend you approve the findings. I recommend you approve the adjudged sentence of confinement for one year, and I further recommend you commute the adjudged sentence of a dismissal to confinement for two years; accordingly, approving a sentence of confinement for three years.

7. A proposed Action of the Convening Authority (Atch 1) has been prepared based on my recommendation. Should you desire to take some other action in this case, we will prepare the appropriate document at your direction. If you concur, please sign the Action of the Convening Authority.

(b)(6)

JOSEPH P. BIALKE, Colonel, USAF
Staff Judge Advocate

85 Attachments:

1. Proposed Action of the Convening Authority
2. Area Defense Counsel's Letter, Capt Jeffrey Martin, dtd 4 Jan 13
3. Civilian Defense Counsel's Letter, Mr. Frank Spinner, dtd 3 Jan 13
4. Lt Col Jay Wilkerson's Letter, dtd 28 Dec 12
5. Mrs (b) (6) Letter, dtd 27 Dec 12
6. Gen Joseph Ashy's (Ret) Letter, dtd 22 Nov 12
7. Maj Gen Jay Blume, Jr.'s (Ret) Letter, dtd 21 Nov 12
8. Brig Gen Joseph Guastella, Jr.'s (Ret) Letter, dtd 21 Nov 12
9. Brig Gen L. Thomas Henderson's (Ret) Letter, dtd 4 Dec 12
10. Brig Gen Pamela Milligan's Letter, dtd 26 Dec 12
11. Col (b) (6) (Ret) Letter, dtd 28 Nov 12
12. Mrs (b) (6) Letter, dtd 27 Nov 12
13. Col (b) (6) Letter, dtd 1 Dec 12
14. Mrs (b) (6) Letter, dtd 7 Dec 12
15. Col (b) (6) (Ret) Letter, dtd 26 Nov 12
16. Mrs (b) (6) Letter, dtd 27 Nov 12
17. Col (b) (6) Letter, dtd 26 Nov 12
18. Col (b) (6) Letter, dtd 10 Dec 12
19. Col (b) (6) (Ret) Letter, dtd 13 Dec 12

20. Col (b) (6) Letter, dtd 10 Dec 12
21. Col (b) (6) Letter, dtd 23 Dec 12
22. Lt Col (b) (6) Letter, dtd 10 Dec 12
23. Lt Col (b) (6) Letter, undated
24. Lt Col (b) (6) Letter, dtd 22 Nov 12
25. Lt Col (b) (6) Letter, undated
26. Lt Col (b) (6) Letter (Ret), dtd 11 Dec 12
27. Lt Col (b) (6) Letter, dtd 27 Nov 12
28. Lt Col (b) (6) Letter, undated
29. Lt Col (b) (6) (Ret) Letter, undated
30. Lt Col (b) (6) Letter, dtd 29 Nov 12
31. Lt Col (b) (6) Letter, dtd 19 Nov 12
32. Lt Col (b) (6) Letter, dtd 29 Nov 12
33. Lt Col (b) (6) Letter, dtd 6 Dec 12
34. Lt Col (b) (6) Letter, dtd 15 Dec 12
35. Lt Col (b) (6) (Ret) Letter, dtd 16 Dec 12
36. Mrs (b) (6) Letter, dtd 14 Dec 12
37. Lt Col (b) (6) Letter, dtd 13 Dec 12
38. Mrs (b) (6) Letter, dtd 11 Dec 12
39. Lt Col (b) (6) (Ret) Letter, dtd 15 Dec 12
40. Lt Col (b) (6) Letter, dtd 3 Dec 12
41. Lt Col (b) (6) (Ret) Letter, dtd 12 Dec 12
42. Lt Col (b) (6) Letter, dtd 11 Dec 12
43. Lt Col (b) (6) Letter, dtd 3 Jan 13
44. Lt Col (b) (6) Letter, dtd 20 Dec 12
45. Lt Col (b) (6) Letter, dtd 17 Dec 12
46. Lt Col (b) (6) Letter, dtd 5 Dec 12
47. Mrs (b) (6) Letter, dtd 15 Dec 12
48. Maj (b) (6) Letter, dtd 4 Dec 12
49. Maj (b) (6) Letter, dtd 7 Dec 12
50. Maj (b) (6) Letter, dtd 11 Dec 12
51. Mrs (b) (6) Letter, dtd 28 Nov 12
52. Maj (b) (6) Letter, dtd 2 Jan 13
53. Maj (b) (6) Letter, dtd 19 Dec 12
54. Maj (b) (6) Letter, dtd 15 Dec 12
55. Mrs (b) (6) Letter, dtd 15 Dec 12
56. Capt (b) (6) Letter, dtd 7 Dec 12
57. Capt (b) (6) Letter, dtd 27 Nov 12
58. Capt (b) (6) Letter, dtd 27 Nov 12
59. Capt (b) (6) Letter, dtd 4 Dec 12
60. Capt (b) (6) Letter, dtd 10 Dec 12
61. Mrs (b) (6) Letter, dtd 10 Dec 12
62. Mrs (b) (6) Letter, undated
63. Mr (b) (6) Letter dtd 13 Dec 12
64. Ms (b) (6) Letter, dtd 12 Nov 12
65. Dr (b) (6) Letter, dtd 25 Nov 12
66. Mrs (b) (6) Letter, undated

67. Dr (b) (6) Letter, undated
68. Mrs (b) (6) Letter, undated
69. Ms (b) (6) Letter, dtd 10 Dec 12
70. Mr (b) (6) Letter, dtd 5 Dec 12
71. Mr (b) (6) Letter, dtd 12 Dec 12
72. Ms (b) (6) Letter, dtd 1 Dec 12
73. Dr (b) (6) Letter, dtd 17 Dec 12
74. Mr (b) (6) Letter, dtd 27 Dec 12
75. Mrs (b) (6) Letter, undated
76. Ms (b) (6) Letter, dtd 20 Dec 12
77. Ms (b) (6) Letter, undated
78. DD Form 1172-2, DEERS RIP, Lt Col Wilkerson, undated
79. Mrs (b) (6) Bank Account Information, dtd 20 Dec 12
80. Col Joseph Bialke Email, U.S. v. Lt Col James Wilkerson (Aviano) – Request for Affidavits, dtd 15 Jan 13
81. Col Don Christensen's Affidavit, dtd 24 Jan 13
82. Capt Benjamin Beliles' Affidavit, dtd 25 Jan 13
83. Dr. Gabriel Holguin's Affidavit, dtd 20 Jan 13
84. Ms (b) (6) Rebuttal to Clemency Request, dtd 29 Jan 13
85. SJAR w/4 Atchs, dtd 12 Dec 12

27 February 2013

MEMORANDUM FOR RECORD

FROM: 31 FW/JA

SUBJECT: Clemency Response

In the case of *US v. Lt Col James H. Wilkerson*, the Clemency Response dated 4 January 2013 was received electronically and is the original document.

//Signed/AQG/27FEB13//
ALISA Q. GADDY, SSgt, USAF
Paralegal, Military Justice



DEPARTMENT OF THE AIR FORCE
AIR FORCE LEGAL OPERATIONS AGENCY

4 January 2013

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: AFLOA/ADC (Capt Martin)

SUBJECT: Request for Clemency—*United States v. Lt Col James H. Wilkerson, III*

1. Our criminal justice system is designed to protect against innocent people going to jail for crimes they did not commit. However, like anything else created by humans, it is imperfect. In the past, innocent people, both in and out of the military, have been innocent victims of the criminal justice process and gone to jail for crimes they did not commit. We know this statement is true due to advances in DNA evidence; advances that allowed for subsequent investigation which conclusively proved someone who was found guilty to actually be innocent. In Lt Col James Wilkerson's case, there will never be subsequent DNA analysis because the Office of Special Investigations (OSI) made a conscious decision not to collect any. Therefore, there is no other conclusive way for Lt Col Wilkerson to prove his innocence. As you read the letters in support of clemency for Lt Col Wilkerson in weighing whether to grant clemency in this case, please keep in mind that innocent people are convicted and punished for crimes they did not commit.

2. On behalf of Lt Col Wilkerson, I request that you grant him a new trial, or in the alternative, reduce his confinement and waive his forfeitures to Beth and (b) to support his family. Below, please find a number of concerns that I have regarding the handling of this case from its inception, through the court-martial itself. Again, as you weigh the fairness afforded Lt Col Wilkerson and whether to grant him clemency, please consider each item below.

3. **Member Selection:** As the convening authority, you have the duty to choose a fair panel of members to sit in judgment of those accused of crimes. On 29 June 2012 and again on 5 October 2012, you were presented with a pool of members from which to choose. Both sets of pools of members had many medical officers, but not a single pilot. These pools were presented by members of the JAG community, the same community that detailed the Chief Prosecutor of the Air Force to the court-martial. While not illegal, this point certainly raises the perception that Lt Col Wilkerson never had the opportunity at a fair trial.

4. **OSI:** Within three days of investigating, OSI interviewed Lt Col Wilkerson at their office while at the same time, went to visit Mrs. Wilkerson at her residence. Mrs. Wilkerson was very accommodating and welcomed both OSI agents into her home. She answered every question they had and took them all around the house. At the time, OSI had the opportunity to take a variety of investigative techniques but did not do anything. Below are two major examples of how OSI conducted a substandard investigation which both hurt Lt Col Wilkerson's chances to show his innocence.

a. First, they had the opportunity to take pictures of every room in the house; they did not. Instead, we as the defense provided various pictures to the members. The prosecution discounted these pictures by implying that the defense would change the pictures. This explicit charge against the defense could have been prevented by having OSI do their job and take pictures; OSI failed!

b. Second, OSI had the opportunity to seize any items from the house. They could have seized the bed sheets from the bed where the complaining witness stated she slept. Certainly this bed would have had her hair in the sheets and other trace evidence from her clothes. OSI also could have taken DNA evidence from Lt Col Wilkerson to determine whether his DNA could be found on any of the complaining witnesses' clothing items. Again, OSI failed!

5. **Substantial Incapacitation:** In order to be found guilty of the most serious charge, Lt Col Wilkerson would have had to commit the acts alleged while the complaining witness was substantially incapacitated. There was uncontroverted evidence that the complaining witness was not incapacitated from alcohol or drugs. Neither was she suffering from any other medical condition that would render her unable to appraise the nature of what is going on around her. Yet despite being sober, she was unable to feel someone getting in bed with her (under the sheets), being touched on her breasts, and having a hand placed down her pants while they were zippered? This situation does not make any sense yet on an all-male jury, this point was lost.

6. **Degree of Punishment:** Lt Col Wilkerson received a sentence of 1 year confinement, forfeiture of all pay and allowances, and dismissal from the Air Force. This sentence is far too severe even if you believe Lt Col Wilkerson committed the offenses. Lt Col Wilkerson had over 20 years of honorable service without a blemish on his record at the time of the alleged assault. He had another seven months of honorable service subsequent to the alleged assault. All of this totaled nearly 21 years, or 248 months, or 1081 weeks, or 7500 days of honorable service. Yet even assuming Lt Col Wilkerson committed these acts, it was one night out of 7500 nights of honorable service. When put into that perspective, the sentence adjudged is far too severe. A sentence that does nothing but tear apart a family that already has been put through far too much pain. Furthermore, due to the conviction Lt Col Wilkerson has to register as a sex offender. Take that registry and combine it with a federal, felony conviction and a dismissal from the service and Lt Col Wilkerson now has to overcome three life sentences. Additionally, others have been convicted of far more charges and egregious conduct and received lighter sentences. Specifically, at RAF Mildenhall a SSgt was convicted of the same charges and others and received six months of confinement, not one year. Reducing the sentence in this case will make it more in line with other cases while but more importantly, will lessen the impact of an innocent man sitting in jail.

7. I could go on with other issues -- such as the suppressed testimony of Brigadier General Milligan, the suppression of truthfulness testimony for Lt Col Wilkerson, the inability of the complaining witness to identify what room and bed she was allegedly assaulted in -- but Mr. Spinner and others have addressed those issues and I will not rehash them here. However, as you can see, there are multiple issues that cause significant concerns with the fairness of the court-martial itself, and the entire investigation. These issues, coupled with the impact this unfair punishment is having on Lt Col Wilkerson and his family, strongly weigh in favor of

granting clemency in this instance. Every day that passes is another day an innocent man sits in jail; I ask that you use your statutory authority as the convening authority to right this wrong.

8. Thank you in advance for your favorable consideration of this request.

(b) (6)

JEFFREY S. MARTIN, Capt, USAF
Area Defense Counsel

Attachments:

1. Mr. Frank Spinner
2. Lt Col Jay Wilkerson
3. Mrs. (b) (6)
4. General Ashy (ret)
5. Major General Blume (ret)
6. Brigadier General Guastella
7. Brigadier General Henderson (ret)
8. Brigadier General Milligan, USAFR
9. Col (b) (6) (ret)
10. Mrs. (b) (6)
11. Col (b) (6)
12. Mrs. (b) (6)
13. Col (b) (6) (ret)
14. Mrs. (b) (6)
15. Col (b) (6)
16. Col (b) (6)
17. Col (b) (6) (ret)
18. Col (b) (6)
19. Col (b) (6)
20. Lt Col (b) (6)
21. Lt Col (b) (6)
22. Lt Col (b) (6)
23. Lt Col (b) (6)
24. Lt Col (b) (6) (ret)
25. Lt Col (b) (6)
26. Lt Col (b) (6)
27. Lt Col (b) (6)
28. Lt Col (b) (6)
29. Lt Col (b) (6)
30. Lt Col (b) (6)
31. Lt Col (b) (6)
32. Lt Col (b) (6)
33. Lt Col (b) (6)

34. Mrs. (b) (6)
35. Lt Col (b) (6)
36. Mrs. (b) (6)
37. Lt Col (b) (6)
38. Lt Col (b) (6)
39. Lt Col (b) (6)
40. Lt Col (b) (6)
41. Lt Col (b) (6)
42. Lt Col (b) (6)

43. Lt Col (b) (6)
44. Lt Col (b) (6)
45. Mrs. (b) (6)
46. Maj (b) (6)
47. Maj (b) (6)
48. Maj (b) (6)
49. Mrs. (b) (6)
50. Maj (b)
51. Maj (b) (6)
52. Maj (b) (6)
53. Mrs. (b) (6)
54. Capt (b) (6)
55. Capt (b) (6)
56. Capt (b) (6)
57. Capt (b) (6)
58. Capt (b)
59. Mrs. (b) (6)
60. Mrs. (b) (6)
61. Mr. (b) (6)
62. Ms. (b) (6)
63. Dr. (b) (6)
64. Mrs. (b) (6)
65. Dr. (b) (6)
66. Mrs. (b) (6)
67. Ms. (b) (6)
68. Mr. (b) (6)
69. Mr. (b) (6)
70. Ms. (b) (6)
71. Dr. (b) (6)
72. Mr. (b) (6)
73. Mrs. (b) (6)
74. Ms. (b) (6)
75. Ms. (b) (6)

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January 3, 2013

Lt Gen Craig A. Franklin
Commander, 3rd Air Force
Ramstein Air Base, Germany

RE: U.S. v. Lt Col James H. Wilkerson – RCM 1105-1106 Matters

Dear General Franklin,

On behalf of Lt Col "Jay" Wilkerson, I respectfully request that you set aside his conviction and either authorize a new trial or completely dismiss the charges. In my opinion, based on a lifetime of practicing military law, the military judge committed prejudicial error in a number of rulings he issued at the trial. Before explaining my position, permit me to note that when the judge was a captain, he ably served as my co-counsel defending a high profile officer case many years ago. So please understand that we have a professional difference of opinion and nothing more. In this letter I will focus on the most serious ruling that justifies setting aside the conviction. Then, I will address a factual issue which lies at the heart of the case and which the court members appear to have inexplicably ignored. The first point below justifies either a new trial based on legal error or dismissing the charges based on factual insufficiency of the evidence. The second point, which relates to factual insufficiency of the evidence, justifies dismissing the charges.

Erroneous Ruling Regarding the Testimony of Brig Gen Pamela K. Milligan:

The defense called Brig Gen Pamela K. Milligan, USAFR, to testify that the alleged victim, (b) (6) possesses a character trait for being untruthful. The government objected to her testimony and the judge sustained the objection after hearing Brig Gen Milligan's testimony. Thus, the court members never heard her testimony. I have attached her testimony to this letter, so you can see for yourself what was at stake. (Record of Trial, pp. 545-557). Regardless of the judge's ruling, you may consider this testimony, along with Brig Gen Milligan's clemency letter, in deciding whether to grant the requested relief.

The bottom line is this: Brig Gen Milligan knew and was willing to testify that (b) (6) is the kind of person who can be [redacted] and is capable of manipulating the judicial process. It is a miscarriage of justice that the court members were not permitted to hear her opinion.

In trial counsel's closing argument, he stated that (b) (6) would have to be (b) (6) to perpetuate the claim that Lt Col Wilkerson sexually assaulted her. (Record at pp. 966-967). He argued this, knowing that the defense was not permitted to present Brig Gen Milligan's testimony on this very point. As a man of conscience, who is personally responsible for seeing that justice is done, you are in a position to correct this error now. I believe an appellate court will agree with me, but only after Lt Col Wilkerson has served his entire sentence of confinement. Unfortunately, however, the appellate courts cannot restore that portion of a man's life unjustly spent in confinement.

(b) (6) Lack of Credibility:

In my closing argument (Record at pp. 968-1013), I explain in great detail why (b) (6) cannot be believed beyond a reasonable doubt. I respectfully invite you to read my argument. I write here only to emphasize a key point. At the end of the trial, when she returned to the stand to answer a question from the court members about which bed in which the alleged assault occurred, (b) (6) answered that it was "definitely not" the only bed in the house in which it could have occurred. (Record at p. 908). It is undisputed that there was no other bed made available to her that night. On this crucial fact alone, she should be found unworthy of belief about the assault. I believe she was willing to lie about this fact because the defense had presented evidence that objectively proved that her story about how she left the house that night was not consistent with the physical layout of the house.

I know it is unrealistic to expect you to read the entire record to fully appreciate this point. At the same time, your signature alone decides whether Lt Col Wilkerson will have to fight this case on appeal. I cannot explain why the court members ignored this point, other than to conclude potential bias may have existed because many of them came from the medical community and (b) (6) worked in that community, albeit at a different geographical location.

Please understand that I am saying the government failed to prove their case beyond a reasonable doubt based on the uncorroborated claims made by (b) (6), a person of questionable character for truthfulness. No man should spend a day, much less a year, in confinement based on the claims made by her in the factual context of this case.

Conclusion:

As you are no doubt aware, you possess tremendous power and broad discretion when considering clemency. When I take cases to the appellate courts, seeking relief, the government routinely responds with the following argument, quoting from an Air Force government brief (in United States v. Pericas):

[T]he task of granting clemency, which "involves bestowing mercy--treating an accused with less rigor than he deserves," is assigned to the convening authority and other officials. Healy, 26 M.J. at 395, 396: see United States v.

Brooks, 12 M.J. 558, 559 (A.F.C.M.R. 1981); Articles 71 and 74, UCMJ. The United States respectfully submits that clemency is a matter left to the convening authority in his discretion, rather than a "right" of the Appellant. See United States v. Pippin, 22 M.J. 806 (A.F.C.M.R. 1986). The convening authority must weigh the interests of an accused and the Air Force, then decide what is best, "uncontrolled by the judgement and conscience of others." Brooks, 12 MJ at 559.

This prosecution argument accurately recognizes your unique role and power as a convening authority in the Air Force. It also fairly comprehends the balancing of interests that is central to the clemency process.

Another well-known case addressing your clemency power is also worth quoting here:

It is at the level of the convening authority that an accused has his best opportunity for relief because of the former's broad powers which are not enjoyed by Courts of Military Review or even by this Court. United States v. Wilson, 9 U.S.C.M.A. 223, 26 C.M.R. 3 (1958). The convening authority has absolute power to disapprove the findings and sentence, or any part thereof, for any reason or no reason, legal or otherwise. United States v. Massey, 5 U.S.C.M.A. 514, 18 C.M.R. 138 (1955); United States v. Smith, 16 U.S.C.M.A. 174, 36 C.M.R. 430 (1966).

United States v. Rivera, 20 U.S.C.M.A. 6, 42 C.M.R. 198, 199 (1970). To be clear, we do not seek relief for "no reason" at all. The record of trial reveals a hard fought contest. We seek relief because the evidence did not reach the level of proof required to give someone a criminal conviction that will follow him the rest of his life. Lt Col Wilkerson is not guilty of the charges and specifications. I pray that you can see this truth.

Respectfully Submitted,

(b) (6)

FRANK J. SPINNER

Atch: Record, pp. 545-557

1 **BRIGADIER GENERAL PAMELA K. MILLIGAN**

2 was called as a witness for the defense, was sworn, and testified via VTC as follows:

3 **Questions by the trial counsel:**

4 Q. Could you please state your full name?

5 A. Pamela Kaye Milligan.

6 Q. And where do you currently reside?

7 A. Kialula, Hawaii.

8 CIV DC: Ma'am, I'm Frank Spinner. I am the civilian defense counsel representing
9 Lieutenant Colonel Wilkerson in this case.

10 First of all, could you just – and right now, so you understand, we're in what's called an
11 Article 39(a) session. The court members are not present, and so we're going to go through your
12 testimony right now based on a government objection. Okay?

13 WIT: Yes, Sir.

14 **DIRECT EXAMINATION**

15 **Questions by the civilian defense counsel:**

16 Q. Okay, I'd like you to begin just by providing the Judge a thumbnail sketch of your
17 employment history.

18 A. Yes, Sir. You understand that I have been a Reserve officer for 30 years, so that
19 means that I have had a dual-track career, so it's not easy to do a thumbnail, and I apologize if I
20 bore you.

21 Ah, but, ah, I guess I'll start at the beginning, Sir. I graduated from college; went into
22 social work. Because of my social behavioral background, I was recruited into the Ohio Air

1 National Guard, where I did Social Actions and Equal Opportunity while I attended graduate
2 school. I graduated from Ohio State with a Master's Degree in Public Administration;
3 immediately thereafter left for undergraduate navigator training at Mather Air Force Base. That
4 was a yearlong training; returned to Ohio to fly with the Ohio Air National Guard, and
5 immediately moved back shortly thereafter to California, where I joined the 940th Air Refueling
6 Group. I was with that Group, professionally, for about 15 years, working my way up through
7 the normal young aviator career track – instructor/navigator, Chief of Training, and then on to
8 Mission Support Squadron Commander.

9 As a civilian during that time, I worked for the Governor of California, George
10 Deukmejian, for about three years in his local government unit. Started – after I left the
11 administration, I went to lobby for a local government – county government in California, and I
12 did that for the next 15 years.

13 In 2000, I left the 940th Air Refueling Group, and went to Headquarters Fourth Air Force
14 as Chief of Tanker Operations; was promoted to Colonel; was subsequently offered a command
15 opportunity in Hawaii about the same time that Governor Davis was recalled and Governor
16 Schwarzenegger was brought in as Governor of California, and with the crazy California politics,
17 I left California for Hawaii.

18 I commanded the 624th Regional Support Group for four years, and then moved to the
19 United States Pacific Command in a General Officer billet, where I was promoted to General
20 Officer in 2009.

21 Once I was promoted, I could no longer be on orders for PACOM, so they hired me as a
22 civilian. So currently I work as a civilian as the Chief of Staff at US PACOM J3. Militarily, I

1 am assigned as the Vice Commander of Fourth Air Force. That is the Air Force Reserve
2 Command Strategic Airlift Numbered Air Force. We control 16 flying wings and 30,000+
3 Airmen and reservists.

4 Q. Thank you, Ma'am. Now, I want to turn to the personal side of your life. And you are
5 currently married?

6 A. I am married, yes, Sir; almost nine years in April.

7 Q. Who is your husband?

8 A. My husband is Randy Towers.

9 Q. Did you have a long personal relationship with him before you actually got married?

10 A. Yes, Sir. We married on the tenth anniversary of our first date.

11 Q. Now, was he previously married to (b) (6) ?

12 A. He was previously married to (b) (6)

13 Q. And did they have a son together?

14 A. They do. Yes, they did have a son together, (b) (6)

15 Q. Now, as you know, we're calling you as character witness. You understand that,
16 correct?

17 A. Yes, Sir. I do, Sir.

18 Q. Could you describe for the court the length and the nature of your interaction with
19 (b) (6) during that time that you were not yet married to (b) (6) father?

20 A. Yes, Sir. As most new relationships go, I reached out to (b) (6) and for, I guess,
21 the first eight or nine months of my early relationship with Randy, it was a friendly relationship

1 with her. Obviously, with a four, almost five-year-old son, it made sense for us all to just get
2 along.

3 (b) and Randy had been separated for a number of years, so there was no real contention
4 there at all. So what started out to be a very workable relationship soon turned sour because of
5 (b) (6) demands, I guess, on Randy's time and money, and certainly she wanted her own
6 way in all things related to (b) (6)

7 So for many years it was kind of a not really contentious, but not really friendly
8 relationship either.

9 She left him...

10 Q. Let me interrupt there.

11 A. She left him – she left to go to graduate school and gave (b) (6) to us, full
12 physical custody, for about a year and a half. And when she returned, she wanted to resume her
13 parenting responsibilities. That's when it became quite contentious.

14 Q. Okay, in those years that you had contact with her, did you personally communicate
15 with her or communicate through court mediators with her?

16 A. Ah, no. Up until this point until I would say 2002 – 2001-2002, there were – the
17 courts weren't really involved too much. It was only when she returned and wanted (b) (6)
18 back, and created problems by saying untruthful things, that court mediators were involved.

19 Q. In any event, based on the contacts that you had with her over that entire period of
20 time and through the court intervention/mediation, did you have sufficient contacts with her to
21 form an opinion as to her character for truthfulness or untruthfulness?

1 A. Absolutely, Sir. Please remember that during this time we were all going to family
2 intervention counseling together, so I had ample opportunity to observe her behavior and to
3 make an assessment of her character.

4 Q. And what is your opinion?

5 A. My opinion is that she will say anything to further her own agenda. She's (b) (6)
6 (b) (6) She will (b) (6) and she doesn't care who
7 she hurts in the process.

8 Q. All right, so do you think she has a poor character for truthfulness?

9 A. Absolutely, Sir. I wouldn't believe a thing that came out of her mouth.

10 CIV DC: Okay, Ma'am, the government can cross-examine you at this point.

11 WIT: Okay.

12 **CROSS-EXAMINATION**

13 **Questions by the trial counsel:**

14 Q. General Milligan, are you on orders today?

15 A. I'm on A status, yes; Form 40a.

16 Q. Okay. I just didn't know if you were General or Ms. Milligan – or Ms. Milligan
17 today. When was the last time you had any...

18 A. For the next four hours, Sir, I'm General.

19 Q. Okay. When was the last time you had personal interaction with (b) (6) ?

20 A. It was a decade ago, Sir.

21 Q. So it's been at least a decade. Now I want you to, for the judge, tell me the specific
22 lies that (b) (6) said.

1 A. Yes, Sir. I actually have a document that I wrote in 2002 that responds directly to a
2 court document that she submitted where she makes preposterous claims plans about my
3 husband abusing his son, which is just a total mischaracterization.

4 Q. Okay, Ma'am, let me interrupt you.

5 A. She...

6 Q. Ma'am...

7 A. Okay.

8 Q. ...I'm going to interrupt you a second. Your husband, in fact, did hit his son in the
9 face, in public; is that not true?

10 A. He did slap his son, yes, Sir.

11 Q. And when he assaulted his son in public, a bystander called the police, correct?

12 A. Ah, I don't believe at that time; later, after a conversation with (b) (6) I believe
13 she called the police, yes.

14 Q. But this was a bystander who called the police, correct?

15 A. Not an innocent bystander or an unfamiliar bystander. This...

16 Q. Well, this....

17 A. ...was at the *tae kwon do* studio.

18 Q. Okay, (b) (6) ...

19 A. It was...

20 Q. (b) (6), Ma'am, (b) (6) was not present during this assault, was she?

21 A. During this disciplinary action and the medical emergency, I would say (b) (6)
22 was not there, but she was familiar with the woman who ended up calling the police.

1 Q. So a woman called (b) (6) and told her that your husband assaulted her son?

2 A. That a father slapped his son who was having a temper tantrum during a medical
3 emergency, yes.

4 Q. But that's not the way the woman described it, is it?

5 A. Ah, I believe, ultimately, those were the details; that it was during – a little boy was
6 having an epileptic seizure...

7 Q. Ma'am. Ma'am...

8 A. ...and, yes, it – I believe...

9 Q. Ma'am...

10 A. ...she did describe it that way.

11 Q. She described it as your husband punched his son in the face, correct?

12 A. I don't remember the word "punched."

13 Q. Is it...

14 A. I believe that was not the case.

15 Q. Well, that's your opinion, but is that possibly what the bystander said?

16 A. It's possible, but that's not...

17 Q. Now, I need – I'm not concerned about your opinion of what happened. Now what
18 was the next lie that you believe (b) (6) told?

19 A. Ah, she then said that I slapped (b) (6)

20 Q. Did she say that or was that...

21 A. I...

22 Q. Ma'am, did she say that or was that reported to (b) (6) by somebody else?

1 A. She said that in the court document, and I responded to that.

2 Q. Ma'am, I want you to listen very closely to what I am asking you. Did (b) (6) say
3 that she witnessed you slap her son or did she say that she was reported that information through
4 a school counselor?

5 A. Those details, Sir, are not familiar to me. I have here that she said, and I respond, that
6 I slapped (b) (6) when I never slapped (b) (6)

7 Q. So you don't know that they...

8 A. She said that I...

9 Q. Ma'am, you don't know the basis...

10 A. She said...

11 Q. Ma'am, you don't know the basis of (b) (6)' belief?

12 A. I know that (b) (6) said that I slapped (b) (6), to the court mediators, and I
13 did not. She said that...

14 Q. Ma'am, there wasn't...

15 A. She said that my mother slapped (b) (6) ...

16 Q. Ma'am...

17 A. ...and my mother had been dead for several years.

18 Q. Ma'am, there was an allegation...

19 A. These are...

20 MJ: Just one – General Milligan, can you hear me? This is Judge Brown.

21 WIT: Yes, Sir.

1 MJ: I think there may be a little bit of a time delay with this VTC, and, unfortunately as a
2 result of that I think that both you and the trial counsel are occasionally talking over each other.
3 So, if you hear the trial counsel attempting to talk to you, if you could just do me a favor and
4 stop what you're saying so that we can let that lag catch up. Do you understand?

5 WIT: I understand.

6 MJ: Thank you very much.

7 And you may continue with your questioning.

8 **Cross-examination continued.**

9 Q. Ma'am, you're aware that (b) (6) actually reported to his school counselor that
10 you, in fact, assaulted him, correct?

11 A. I don't believe that to be the case.

12 Q. Are you aware that that was an allegation that (b) (6) reported to his school
13 counselor, that you slapped him or assaulted him?

14 A. No. I don't believe that is the case.

15 Q. All right, what is the next...

16 A. I believe that that might...

17 Q. ...what is the next lie you...

18 A. ...have been said.

19 Q. All right, you believe that might have been said?

20 A. I - yes - you do - Sir, if you've checked this file, that you do know then that there
21 were huge allegations of parental alienation where...

1 Q. Ma'am, this isn't about your allegations of parental alienation. Do you understand
2 that?

3 A. I know that, but what you're saying to me are things that maybe were put in
4 (b) (6) head to say. I wish he were here today because he would deny all of this.

5 Q. Well, that's nice, Ma'am. Now my next question, what is the next lie that you believe
6 he said – or he said?

7 A. Ah, in my response to the court, written in 2002, it was reported by (b) (6) that
8 my mother slapped (b) (6) And by this time, my mother had been dead for several years,
9 and only visited when I only met (b) (6) one time, and was already at that time very sick
10 and dying of cancer. So there was – this was just preposterous.

11 Q. Do you know the basis for (b) (6) belief?

12 A. [No response.]

13 Q. Do you know the basis for her belief?

14 A. I believe she – I have my opinion about the basis of her belief.

15 Q. But you don't know?

16 A. She would say anything to further her cause.

17 Q. Ma'am, isn't it true that you and your husband and (b) (6) went through a child
18 custody dispute?

19 A. It is true.

20 Q. And that was ten years ago?

21 A. Yes, Sir.

22 Q. And you're just harboring a grudge at this point; is that not correct?

1 A. [Laughter.] Absolutely not. I'm not harboring a grudge. I left that ten years ago. I
2 was asked to testify on her character. I know that she's malicious in her lies.

3 Q. What is the...

4 A. And...

5 Q. ...Ma'am, what is the last time that you believed (b) (6) lied to you?

6 A. Well, I haven't had any contact with her for ten years, so she hasn't lied ...

7 Q. All right...

8 A. ...so she hasn't lied to me for at least ten years.

9 TC: Nothing further.

10 MJ: Defense?

11 **REDIRECT EXAMINATION**

12 **Questions by the civilian defense counsel:**

13 Q. Ma'am, the prosecutor did not finish asking you why she had character for
14 untruthfulness. There was another point that I think you wanted to make as far as other lies or
15 manipulations by her. Can you address those?

16 A. Ah, well, I mean she's made serious allegations about Randy. Remember, Sir, that
17 many of the allegations were about Randy's behavior before she asked us to take physical
18 custody of him so she could go to graduate school. So these were not things that she apparently
19 was concerned with at that time. She only said them when it was convenient for her custody
20 issues. And so I would suggest to you that on its very face, is disingenuous and odd behavior.
21 She - I mean that full almost two-year period, whenever she could lie and make my husband's
22 life miserable, she absolutely did. I will tell you that you know I did not marry until I was 44

1 years old. I had relationships with – and to this day, I am friendly with those – my former
2 boyfriends and their wives. Healthy people, Sir, have healthy relationships. This was not a
3 healthy relationship, and not at our doing. This was (b) (6) misrepresentation of the events
4 for her own agenda, for her attention-seeking behaviors. Now it has been a decade; I absolutely
5 understand it's been a decade. But the traditional view of character is that it's stable and reliable
6 and therefore predictable over time.

7 Q. Now, additionally, isn't it true that your – that (b) (6) had some developmental
8 problems and that that presented challenges for his father?

9 A. Well, (b) (6) always did over characterize his abilities. She did say to the
10 mediator that he was being considered for the GATE time he truly was failing math. He has –
11 he's a very, very smart boy, doing very well in college here with us in Hawaii. But he struggled
12 through school, and he was never...

13 Q. I meant behavior problems.

14 A. He was never considered for the GATE program. He had lots of behavioral
15 problems, yes, he did.

16 Q. And what was the GATE program?

17 A. The GATE is for gifted students.

18 Q. In any event, you're basing your opinion on what you believe to be deliberate to be
19 misrepresentations to court mediators and people in authority, correct?

20 A. Yes, Sir. I'm basing my characterization of (b) (6) on outrageous lies for her
21 own personal agenda. And it's worrisome. It's worrisome to me that she might be doing the
22 same thing in this case. I don't harbor ill feelings for her. Quite honestly, I rarely think of her. I

1 haven't thought of her for a decade; I've had no reason to. But this case was important enough
2 to me. I know how (b) (6); I know how (b) (6) she can be, and I'm troubled by it.

3 CIV DC: Okay, Ma'am, I have no further questions. However, the prosecutor and the
4 court may.

5 MJ: Government, anything further?

6 TC: [Nodded in the negative.]

7 MJ: And apparently not.

8 All right, General, at this point please stand by. We are going to probably mute this, and
9 I'm going to hear the position of counsel, and then at that point we will come back on and let you
10 know whether or not we're going to need to have you testify. It's not necessary, as long as you
11 can hear, you don't have to sit there. As long as you want to go to a place so that we can get
12 ahold of you when we need you, that will be perfectly fine. Do you understand?

13 WIT: I understand.

14 MJ: Thank you.

15 Bailiff, if you will please just mute the witness.

16 [The bailiff complied.]

17 MJ: Thank you.

18 In light of that testimony, government, do you have an objection as to her testifying
19 regarding her opinion as to the alleged victim's character for truthfulness?

20 TC: Well, Your Honor, the court or the government does believe that her opinion is
21 based on too remote of a time period. It's been over ten years, according to her, since she's had
22 any contact with (b) (6) If the court does decide that she should be permitted to testify, the

28 Dec 12

MEMORANDUM FOR LIEUTENANT GENERAL CRAIG FRANKLIN

FROM: LT COL JAMES H. WILKERSON, III

SUBJECT: Request for Clemency

1. Sir, I am writing to you in reference to my General Court Martial, which concluded on 3 November 2012 at Aviano Air Base, Italy. As you know, I pled not guilty to the charges which included Aggravated Sexual Assault and Conduct Unbecoming an Officer and a Gentleman. General, to be absolutely clear, and before I go any further: I am innocent, I maintained my innocence during the trial, and will continue to maintain my innocence for as long as I shall live. However, the jury found me guilty and sentenced me to one year of confinement as well as Dismissal from the United States Air Force.

2. You may not recall this Sir, but you and I actually flew together, once in Iraq. You were "Red Tail 1" at the time, and I was the Director of Operations for the 77th Fighter Squadron "Gamblers". Immediately following this tour, I moved to Korea and took command of the 80th Fighter Squadron "Juvats" - it was, and still is, the most rewarding tour I have ever had the privilege of serving. As commander of the Juvats, I had the opportunity to deal with extremely sensitive personnel decisions, and at times, recommend various alternatives when it came to their future. I handled each of these situations with a measured amount of compassion and benevolence for what they had already accomplished, as well as their potential to remain part of the World's greatest Air Force. I realize you are no stranger to these types of situations and I also know you are a fair man. I humbly ask you now for your help.

3. Sir, I know now I waded into this process with a fair amount of naiveté. I did not realize my full cooperation, as well as my wife's, would later be used against us—and that the consistency of our testimonies would be twisted into an innuendo of guilt by the Prosecution. I was also astonished to see the Air Force lead Prosecutor maneuver in such a way as to restrict testimony for character and truthfulness regarding salient and applicable past actions in the complaining witness's life. Although this unquestionably powerful testimony was not heard by the jury, you should know a female General officer characterized the complaining witness as (b) (6). My defense team and I were obviously disappointed that her testimony was not allowed, as you will no doubt read in several letters, as well as her own. But, even more disappointing is the fact that in the final portions of his closing argument, the Air Force lead Prosecutor attempted to corroborate the complaining witness's story and placed her in a room occupied by visiting children once he realized the room she described did not exist. In this, he characterized a "room with a lamp" (page 1014, Record of Trial) which clearly contradicts the "bright overhead light" she adamantly described in her testimony (page 289, Record of Trial). Why is this seemingly small detail disappointing? Simple—her story starts with a non-existent room and bed, and for the complaining witness to be telling the truth, you would have to believe over 1 dozen respected Air Force officers, wives, witnesses and even individuals you are familiar with are lying about the rooms in our house, the beds, our character, our behavior the following days and weeks, and even a grossly apparent mustache I had (In fact, the complaining witness went through great lengths to pantomime waking up "6 inches from a man who was squinting his eyes" during her Article 32 testimony. She also testified she "did not recall any facial hair"). Through this, the truth should have been evident to the Medical-background majority jury Sir, but it was not. After all, if this was about truth, why then would the Prosecution object to our motion for the jury to see the house? Thankfully, since the conclusion of the trial, 2 of the complaining witness's friends have come forward with concerns that justice was not served. I consider their concerns the equivalent of glaring red flags and hope you will give extra time to the very strong words written by Suzanne Berrong (the complaining witness's former best friend and witness herself) and Major Tanya Manning (also an acquaintance/witness). After you read these letters from women who spent a great amount of time with the complaining witness immediately following the

alleged incident, you will notice a significant contrast in how her behavior was characterized. I ask that you then compare this to the behavior characterized in letters and testimony on behalf of my wife and myself. If this does not at least give you reason to pause, I ask that you consider this: my entire 20+ year career was put under intense scrutiny as a result of an allegation made by a person with only 6 months of military-related work history. Yet, when documented proof of past occurrences regarding the complaining witness's *ability to fabricate truth in the courtroom* was introduced, the Prosecution moved quickly to have this restricted. How else can anyone defend against any sexual assault allegation—especially one involving credibility alone? General, bluntly put, this is not the level and fair look you tasked the court to execute; legal maneuvering should not be allowed to stand in the way of truth. The truth should still matter.

4. I ask now Sir, that in your review of my request for clemency, you consider the facts in this case. My wife and I were branded as blatant liars; nothing in our past suggests this, as evidenced through the facts and verification we presented on our behalf. In this, I would like to draw your attention to a clemency letter from Beth's ex-husband, who also attested to strength of character and truthfulness for both my wife and I. You will also notice that we have led our lives with compassion for one another and respect for those who enter our home. We never would have allowed or condoned any of the allegations against me by or to anyone in our home. Further, nothing in our past indicates we would have devised a plan to circumvent fact, or to conspire with someone in a leadership position. But, there are unintended consequences which I also believe are more than pertinent. I never dreamed my 9 year old son (b) would learn of this while as he walked through the Base Exchange and found my picture on the cover of the *Air Force Times*. He ultimately left Italy without either Beth or I accompanying him and only a few days after the trial, unable to attend the Aviano school any longer. He firmly believed he would be mocked and ridiculed—who could argue with his apprehensions? The fact I could not console him as he dealt with these very intense emotions has left deep wounds throughout my immediate and extended family. Hence, I strongly believe the weight of this, along with the unannounced and unexpected media release conducted by the Aviano Public Affairs office on August 17th, 2012, introduced undue hardship and unfairly burdened my family over 2 months before the trial ever began. While the intent may not have been to cause any direct harm to me or my family, the lack of any notice put us in a very precarious position—neither my wife nor I had informed our family of what was set to occur as the case was only docketed hours prior to the media release. Further, before we could even inform our friends and consult my attorneys, we were already vilified across the internet in the various blogs which support military publications. As a result, I believe this places me in a very unique position, and accordingly, began serving a sentence of sorts well before my day in court. Moreover, in an email on May 14th, 2012, my replacement informed a large portion of the Aviano officer and senior enlisted population that I was the "subject of an investigation". I think it is important to mention these facts as you consider the full weight of this clemency request, as well as the punishment my family has already had to serve, despite the fact my wife and I continue to maintain my innocence. We have already paid a tremendous price, including what we have given the Air Force over the past 20+ years. Sir, this is not your average case, as the outside influences, as well as the consequences should merit consideration: The media releases were certainly not of our doing and as I continually witnessed the Air Force lead Prosecutor direct the *Stars and Stripes* reporter before she published her stories each day, I began to fully understand the 'other side' of this very public fight. I believe these actions transcended decency—I was placed at the front and center of this fight, but somehow someone forgot there was a family at stake. Mine has been nearly destroyed as a result.

5. The power given to anyone who makes a sexual assault allegation is simply undeniable and extremely powerful in today's climate, but the impacts to those accused should also be considered. While 7 full months passed from the date of the alleged incident to the start of the trial, I was grounded on April 26th, and temporarily reassigned to the Operations Group on May 11th. Up until this time, my immediate supervisor and rater (Brigadier General Zobrist) never once spoke to me and inquired how my family-or I-was handling the pressures of this situation. In the months that followed, he never said a single word to

me and has not since; I spent this time dodging peers, friends, and questions as to why I had been moved. Each time I went to the commissary or BX, I either hid my nametag or changed clothes prior. Imagine that—a once proud LtCol in hiding. Once the shock had subsided, I sought permission to fly along with support from my new Supervisor and Operations Group Commander, Colonel Dave Walker. This was denied. I understand the protocols of investigations and even the risks of flying and stress, but is it right to cut-off a LtCol and his family months before his day in court? Is it really innocent until proven guilty, or the contrary? In either case, my security clearance was pulled on August 3rd because I had (now) been classified as a security risk. With 20+ years in service, 3 tours to the desert, qualification in 2 combat airframes, 2 remote tours, and an O6 select, how was I suddenly a security risk? What risk, and what fear could there have been at this point? Surely, I was frustrated, but risk was the furthest thing from the truth. ~~I still wanted to be on the team, but the team turned its back on me, and as a result, I sat in the Operations~~ Group front office for nearly 6 months waiting on my opportunity to clear my name. I am now in prison, still waiting to complete this task, but what surprises me most is that every single soldier, airman, and sailor here with me in prison was allowed to remain in their position up until their trial— and many with far more egregious convictions. I can only conclude with this: I was judged months before my day in court and without any real investigation. I say this because the OSI agents visited our home only once — on April 19th, and to interview my wife at the same time as my own interview.

6. Not unlike anyone in today's fighting forces, I've missed more than a handful of birthdays, significant holidays, and opportunities to create special memories throughout my career. Each time this occurred, I firmly believed in the purpose as I rationalized my absence to my wife and child. However, as you are now reading this amidst the holiday season, I cannot accurately articulate to Beth and (b) why I am not spending this time with our family, and at home. It is important you know I've always taught my son that integrity and truth are simple pillars, and that these simple words represent our own choices in life. In raising a child of strong moral character, I've been able to easily prove the importance of these choices. However, just after Beth was reunited with (b), he bluntly inquired as to why I was being incarcerated despite telling the truth. Even in his mind, this absolutely makes no sense. To his question, there were no words I could offer as to an answer. I also do not believe (b) shares this view independently, however. Several inmates have already been questioned by their commanders, supervisors, first sergeants and visitors as to how the "colonel in *Air Force Times*" is doing and because of this I believe even those who comprise the general public have too many leftover questions. I am also told the *Air Force Times* used the word "bizarre" to characterize this case—bizarre fits, when you look at the facts and then conclude that an O6 select was convicted of a felony beyond reasonable doubt, stripped of his retirement, separated from his family, and then thrown in prison—all from the result of an allegation. I always thought I would reflect on my service to our great Nation with pride, but sadly, I cannot foresee this as any possibility at this point.

7. Having said that, as I prepared this package for clemency, I want to tell you how absolutely surprised I was to receive numerous letters written on my behalf by peers, former squadron members, friends, and past Air Force leaders. I did not expect this immense outpouring of support, which I believe is a testament towards the superb Air Force family I've always spoken about, but until now, never relied upon. I did not ask for these letters, nor was I aware they would arrive. While in prison, my communication abilities are limited to a hard phone line and US Postal Mail, so receiving them en masse was astonishing to say the least. As I reviewed each one, I found myself recalling many fond memories and smiling at times, while also taking solace in the realization I had impacted so many lives. I also had to stop more than once and walk away, as my emotions often took over. I hope and pray you will take the time to consider each letter, as well as the sentiments included. I am proud to submit them all on my behalf.

8. Sir, as you can tell, my emotions are still high; I am completely devastated. I am also 100% not guilty and strongly believe the results of this case should be overturned. There is much at stake as you review this case: My family and I have suffered tremendously throughout this ordeal. Shortly before the trial, I

received a letter of encouragement from a former Wing Commander of mine who wrote, "have faith in the Air Force legal system, though it is painful at times." I have plenty of Faith— it has sustained me as I wait for justice in prison, but my faith in the legal system to determine truth, or deliver justice, is quite shaken. I have been wronged, and the numerous letters you will find accompanying mine prove many others share this certainty. I pray now that you will help restore some of my faith, and if overturning this case is not possible, I believe another trial is the right choice for the overall greater good of the United States Air Force and this very sensitive topic. There are also many other options at your disposal, and respectfully request that you reinstate the retirement benefits I rightfully earned for my dedication to our Nation, as well as what my family freely gave. Above all, I do not belong here in prison and forced to endure another separation from my wife and child—I have already had to endure a painful and unexplained 10-day period without required medication for a previously documented and (b) (6)

(b) (6) Therefore, I humbly request you immediately set this penalty aside in order for our own healing process to begin. In closing, I want you to know that I completely understand the current climate, as well as General Welsh's direction regarding sexual assault. But, I do not think any of this should be perpetuated at the expense of an innocent man and his family. Thank you, in advance, for consideration in this life-altering matter.

Respectfully Submitted,

(b) (6)

James H. Wilkerson III, 1st Col, USAF

27 Dec 12

MEMORANDUM FOR LIEUTENANT GENERAL CRAIG FRANKLIN

FROM: MRS. BETH R. WILKERSON

SUBJECT: Request for Clemency (Lt Col James H. Wilkerson III)

1. Sir, I am Beth Wilkerson, and have been happily married to my husband, Jay, for over 16 years. Before I begin, I want you to know this: if I had found Jay as the complainant stated, I would not be writing this letter, nor would I have testified in his defense—instead I would have testified against him. I also want you to know that I was married for over 10 years before, also to an Air Force Colonel and former fighter squadron commander. Hence, I have no problem leaving a marriage when the conditions warrant, and have always enjoyed strong support from my career Air Force family. Jay and I are as close now, perhaps even more, since the day we were married. I will stand by his side and help plead his innocence until my last day.

2. I am writing to you for many reasons, but most importantly, I want to say this allegation did not occur. I testified as such during the Article 32 hearing and following trial. During the trial, the Prosecution presented an OSI agent who spent the entire time on the telephone while in our home, instead of the agent who actually conducted my interview. Through this, they were able to intimate events that did not occur during my interview, instead of presenting the agent who had knowledge of what he was shown and what we discussed. They also dramatically showcased a white lie I passed via text message to a close friend, whereupon I cancelled a get-together the evening following the alleged event. I did this in order to preserve the sanctity of a very delicate situation where both Jay and I were helping an Aviano squadron commander and his wife, who were both stressed from personal difficulty (which is clearly stated in the Record of Trial). These dramatic assumptions helped create the inference that I was being untruthful. I found this most troubling and soon realized that the Prosecution was not interested in truth. This was further emphasized through what the Investigating Officer said to me following the Article 32 whereupon LtCol Paula B. McCarron commented, "I don't see how this will go any further". Amazingly, three days later she recommended that the case proceed to a General Court Martial. Through this, it appears very clear to me that the focus for this case was a conviction at all costs and not a determination of any truth or fact.

3. Sir, I believe it is important you know I also have quite a bit of Air Force experience, and feel this merits particular weight in my letter to you. My father was a career Air Force officer and two-time Silver Star recipient; he was killed in a T-33 crash while returning from an off-station training event. My mother remarried, again another fighter pilot, who later adopted me and went on to serve for over 25 years in the Air Force. He retired at the rank of Colonel and at present leads a non-profit aerobatic flight demonstration team dedicated to the memory of fallen warriors. Together, my fathers have over 10 Distinguished Flying Crosses and while I am proud of their accomplishments, I am certain my experiences as a product of an Air Force up-bringing should weigh heavily as to my own credibility. Sadly, the Prosecution attempted to use my family's remarkable history against me and to leave the impression that I was a subservient wife. Nothing could be further from the truth. Moreover, there were some additional events which occurred during the trial that I would like to highlight regarding the 'culture' of fighter pilots, something that you are likely aware of as a fighter pilot yourself. As I mentioned, my father was a fighter pilot, my

ex-husband was a fighter pilot, and Jay also was a fighter pilot. I know the culture. I know what they are, and I know how they act. I also know these antics have absolutely nothing to do with sexual assault; however, the Prosecution attempted to link these issues. I began to get the feeling that my husband was not on trial; rather, it was the *culture* of which my husband was a member. Sir, you are a member of this very same culture, and it is simply not fair for Jay to pay the price for this perception, regardless if these decades-old cultural perceptions are warranted (or not). Further, I think I am justified in concluding this reflects a service-wide attempt to correct these perceptions, as evidenced by the advertisement of a new war of sorts recently touted on the front cover of the *Air Force Times* on December 17th, 2012 (Sir, the word "war" is not mine, it was featured on the cover as a "war against fighter jocks").

4. I would like to briefly transition and ask that you consider the events alleged with an added dose of logic. Why the complaining witness did not accompany Captain Dawn Brock when I drove her to the base (a 1.2 mile, 5 minute ride) has mystified me since the day we were interviewed by the OSI. Why she did not take the other rides I offered her later, as well as one offered by her best friend, has also troubled me greatly. Even more, I have no idea why she invented the comment I allegedly spoke as she departed our home, but "I really liked you," is not remotely close to what I would have said to her if the scenario was as she described. There would also have been plenty of commotion and the children in our home would have awakened. They did not. I pray now that you will run this through your mind and let logic guide your conclusion. This simply defies logic. It did not happen as the complaining witness alleged. Even her own story changes several times from start to finish. And, what remains absolutely beyond explanation is how a woman could be in such a state of sleep, as per her story, so as to wake to a "very bright light" vice the actions of a complete stranger entering her bed while in a strange location and after claiming to exhibit the emotions she described only during the trial and never before prior (e.g. "crying on the phone" while speaking with Suzanne Berrong, which was not corroborated by either Ms. Berrong or myself). Would you not think she would still be on 'edge' and therefore alert to even the slightest disturbance? I would, as would every other woman I know, which is why so many women came to Jay's defense—including her former best friend! Again, with logic as your guide, the complaining witness's scenario is outside the realm of possible, and for the record, she did not recall the aforementioned phone call itself at any point before the trial. Sir, if you cannot see this for what it is, please go back and verify what I've said: the facts are clear, as is my truth. If you do, you will find that I continually maintained that the complaining witness never slept in the bed she was offered. I would know; it was my house.

5. Sir, I also watched the Air Force lead Prosecutor introduce phone records in the final portion of his closing argument where he opined that there were several texts back and forth between Jay and myself. He used this as a grandstanding opportunity and implanted suggestions of deceit in this—why else would a couple text so much? As you will plainly see on page 1 of my Article 32 testimony, I testified that Jay and I have a wonderful relationship and "we text all the time". Does this now mean we are guilty of something else? I don't think so Sir, and the truth should be obvious as to what this really was, specifically, a performance by the Air Force lead Prosecutor to win his case. How else could the complaining witness "remember" tea and coffee I served her long after everyone left, and after I found her roaming our home while talking on the phone? It is unthinkable to me that what was "forgotten" or "unclear" during the Article 32 was part of her definitely recallable memory during the trial.

6. A final detail regarding this case has bothered me from the very beginning, and resides as the nexus of the complaining witness's complaint: The complaining witness testified that my husband digitally penetrated her vagina with her pants buttoned, zipped, *and* secured with a belt. As a woman, I will tell you—such an event is simply not possible. Moreover, she later testified that she could not recall whether she had been touched over or under her clothes. Again, as a woman, I will tell you that digital penetration and/or any fondling-type activity is a very personal interaction, and recollection of whether or not it was over or under my clothing is a detail I would definitely recall. I suspect the all-male jury did not recognize these impossibilities, but I am certain any woman would. In the end, this case should have been about justice and a determination of the truth. I can honestly say, with one hundred percent certainty that it was about everything but this.

7. In closing, I would like to tell you something about Jay, outside of the Air Force, and outside of his career. He was a collegiate national and later world champion swimmer. He learned early on that sacrifice and dedication was necessary in order to attain his goals. He's met several of his goals, but the most important was the day he became a father. Our son, (b) , is very much like Jay. He is already a star athlete and student. He also missed his father terribly, over 3 separate rotations to the desert and 2 overseas remote tours. And, although he is only 9 years old, Jay has already missed over 3 combined years in (b) life. It is here where I am asking for your help. Our lives were on indeterminate hold from the day we were questioned, and while we fully cooperated with the OSI agents, we still waited 7 long months until the end of the trial. We were ostracized to a degree during this process and left out of many base events. The added sentence of 1 year only adds to the depth of our despair and unfairly places our child in the difficult position of having to understand why his father is away again. We can pick up the pieces, and attempt to determine where we will go from here, but we would like to do that together rather than wait for an additional year while our lives remain on hold. Please help us; allow us the opportunity to move forward together, not in a piecemeal fashion. When you then add in the notion that we've lost all pay and benefits, we need to begin the process of finding some methods in order to provide for our family. We need to begin that process now, not later, and not from a financial starting point of less than what we now have; we have a tremendous uphill battle as it stands. If you cannot overturn the results of this very inaccurate and incorrect verdict (or direct a re-trial), I am asking for whatever relief you can provide whether it is Jay's rightfully earned retirement or an extended waiver of forfeitures, our family does not deserve to be destitute. Justice was not served here Sir, and I pray you will see that during your review of the facts. Thank you for your time, in advance.

Respectfully Submitted,

(b) (6)

Beth R. Wilkerson

LTG Craig Franklin
Commander, Third AF
Convening Authority
Reference the LTC Jay Wilkerson Proceedings

22 November 2012

I, Joseph William Ashy, am a retired USAF four star General. I currently reside at (b)(6)
(b)(6) My last position on active duty was

"triple hatted" as: Commander, US Space Command; CINC NORAD; and Commander of AF Space Command. Previous to that, I was the NATO Southern Region Air Commander and commanded the combat air operations over the Balkans. Previous to that, I was commander, Air Training Command. Currently, I am president of Ashy & Associates, LLC, which is a consultant entity. I am the recipient of the Silver Star, and Defense Distinguished Service Medal among many other citations. I served extensively in my command capacities as a Convening Authority; and think I know a great deal about the responsibilities of, and what is expected of, a Convening Authority.

I first met Lt Col James H. Wilkerson in 2002 through his father-in-law and mother-in-law, Colonel (Retired) and Mrs. (b)(6). Colonel (b)(6) was one of my flight commanders in the 36 FS at Osan AB, Korea in 1975-76. The (b)(6) currently live in our neighborhood and we are close friends. When Colonel and Mrs. Wilkerson have visited the (b)(6), we met them several times for family cook-outs. In 2004, I was asked by Lt Col Wilkerson to speak at an F-16 graduation Dining Out at Luke AFB, AZ (his squadron was graduating a class and he was the assistant operations officer and event project officer). I worked with him on this event and also received a squadron tour and F-16 program orientation by Lt Col Wilkerson. Later on, we had regular communications when he sought my advice on assignment options to Joint Billets (which are necessary for Joint Duty) leading to command. I provided such advice. I have regularly kept in touch via email updates with him since meeting him. But when observing him in person in our meetings, I was most positively impressed with his breadth and depth of knowledge and how he conducted himself. Although I was not at Jay's trial in person, I did follow the proceedings via the press and through his family. I even submitted two affidavits in his behalf, and have been advised that one of them was disallowed by the court for a reason I cannot comprehend. I have formed an opinion regarding Jay's character and truthfulness, and believe his truthfulness to be irreproachable. He told me he did not commit this (charged) crime. Thus, I believe the court and the jury got the verdict exactly wrong.

Regarding this indictment and trial, as a former Commander, I believe, and in fact know, that it is one thing to be tough on various issues (such as sexual harassment) which cannot be tolerated. It's entirely unacceptable to do it at the expense of fairness. And, as mentioned above, about my experience as a Convening Authority, it's your responsibility as a Convening Authority to ensure that both happen. After learning about different facets of what occurred during this process, I have a lot of questions about the fairness issue to the point that you, the Convening Authority, need to weigh and then

right the serious wrongs via your judgments. This goes with your solemn responsibility. To wit:

- a. The Accuser has a history of "accusing" which did not pan out truthfully. So why was this not permitted to be introduced into evidence?
- b. The Accuser, I have been told by a credible source, is a person with an (b) (6) This, if true and or verified via testimony, should certainly be introduced in court (which it was not) pertaining to such a serious accusation.
- c. In a proceeding such as this one, there was one word against another, which really does not prove guilt beyond a shadow of doubt.
- d. The jury's make up "of peers" is most questionable in my view. Why were there a majority of medical type officers on the jury - a field from which the accuser resides? Additionally, there was not a single pilot on the jury.
- e. If some background information was permitted to be introduced as evidence on the accused, why not on the accuser also (see above)?
- f. I have it directly that some affidavits sent in support of the accused's truthfulness were disallowed by the Court. Given that he made a statement to OSI that was played in the court-room, and in that statement was called a liar by OSI, how were these not relevant?
- g. And why didn't the accuser leave that evening when the other women left? Doesn't this bring into question something about motive?
- h. And more, to include the Article 32 investigation, conducted by the lawyer from the Pentagon who was also the prosecutor; and who had a questionable influence on the judge.
- i. In fact, albeit I am not lawyer, my commander's intuition leads me to believe that I could make case that there was "outside" (not to be confused, necessarily, with command) influence. Avoiding command influence in the military justice system is something that is vital, and we work hard at it for this vital reason. So it also goes without saying that any kind of activity like this, even if perceived, is absolutely unacceptable.

After reviewing all of this, I've reached a high level of disappointment in my USAF's ability to do the right thing and then to get it right. The objective is justice, not injustice. I think you well know, that lacking the resultant trust and confidence in the leadership chain of command, the USAF's ability to be a cohesive and effective military organization will cease. So I, therefore, urge you to carefully weigh the processes that occurred, leading to an unjust outcome; and then get it right even if it means throwing out the results and starting over if you have to. I do not believe Jay Wilkerson is guilty nor was he proven guilty. Therefore, I am not asking for "clemency" per se, since he should be exonerated.

Sincerely,

(b) (6)

Joseph W. Ashy
General USAF (retired)

(b) (6)

21 November 2012

From:

Jay D. Blume Jr, Maj Gen USAF (Ret)

(b) (6)

To:

The Convening Authority

Craig Franklin, Lt Gen USAF

3rd AF/CC

Subject: Letter of Support (Lt Col James Wilkerson)

1. I, Jay D. Blume Jr., am a retired US Air Force Major General currently living in (b)(6) Texas. I served in the USAF for 32 years and over 15 of those years was spent overseas (Europe and Asia) in positions of increasing responsibility. I was lastly assigned at the Pentagon Washington D.C. as Special Assistant to the Chief of Staff USAF for Base Realignment and Closure. Earlier assignments included commander of Lowry Technical Training Center, Denver CO; commander NATO Airborne Early Warning Force Component, Geilenkerchen, Germany; Special Assistant to Chief of Staff, Supreme Headquarters Allied Powers Europe, Mons, Belgium; Wing Commander, 52nd Tactical Fighter Wing, Spangdahlem Air Base, West Germany; and chief of the fighter division, Headquarters USAF, Pentagon Washington D.C. As the Center Commander at Lowry, I was the Convening Authority for all incarcerated airmen and officers in the USAF. I understand what this responsibility entails and the need to be just, accurate, and strong.
2. I first met Lt Col James H. Wilkerson in January 2004 while transporting an Experimental Aircraft from Seattle, Washington to Conroe, Texas. His father-in-law, (b) (6), and I had purchased the aircraft and were flying it to Texas from Washington. We stopped over to spend the night in Litchfield, Arizona near Luke AF Base, AZ. "Major" Wilkerson then was stationed at Luke as an instructor. He met us at the Litchfield airport and I was pleased to make his acquaintance. I continued to see him and his family on numerous occasions when they would visit their family, (b) (6) and (b) (6). The (b) (6) are my good friends and live near me on (b) (6), North of Houston, TX.

3. I became Jay Wilkerson's friend and followed his career progressions with interest. Jay seemed to be making the correct career choices for himself and the USAF. Our contact was always in non-duty informal sessions at our local airport, our friend's home, our home, or on other social outings. He interacted quite well with retired enlisted, junior officers and senior general officers. He was always gentlemanly, courteous, honorable, and mature. I very much respect him as an officer and have absolutely no reason to question his integrity or honesty.
4. I was shocked when I became aware of the charges against Lt Col Jay Wilkerson and I followed the court proceedings both in the Stars and Stripes newspaper; as well as, frequent updates from my friends, the (b) (6). The newspaper articles seemed slanted against the officer and my friends were very supportive of their family member. It seemed to me from what I observed that in this "she said vs. he said" controversy both parties should have been held to the same scrutiny of character and previous actions. It is my understanding that this was not accomplished in this trial. The female involved received a pass as to her personal history. Her character, integrity, and previous questionable actions were not presented to the panel; specifically a fellow Air Force officer was not permitted to testify as to her character for untruthfulness. This alone is enough to prejudice the outcome of the court-martial. Yet despite being prevented from presenting this information, the prosecution was able to call Beth Wilkerson a liar at their will, a total mischaracterization of who she is. I'm sure our Air Force is under significant top down pressure to demonstrate a hard line against sexual impropriety, but this must not be accomplished at the expense of truth and justice. As a former Convening Authority, if I had the slightest question in my mind as to this court-martial finding; I would disapprove the result and reconvene another trial.
5. If punishment for this questionable act is deemed appropriate, I would not punish the family financially with forfeitures while the father is incarcerated. Whether guilty or innocent, Lt Col Jay Wilkerson has been disgraced in the eyes of many and his service to his nation in the USAF is over. Any further confinement serves no purpose other than to take this upstanding man away from his family.

Respectfully:

(b) (6)

Jay D. Blume Jr,
Maj Gen USAF (Ret)

21 Nov 12

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: BRIG GEN JOSEPH T. GUASTELLA, JR.

SUBJECT: Clemency Request

1. I am currently stationed at Bagram Airfield, Afghanistan, as the Commander, 455th Air Expeditionary Wing. In this position, I command a composite wing that includes close air support; air mobility; combat search and rescue; intelligence, surveillance and reconnaissance; electronic attack; and aeromedical evacuation assets. My most recent assignments were as Deputy Director of Programs and Chief, Program Integration Division, Programs Directorate, Office of the Deputy Chief of Staff, Strategic Plans and Programs, Headquarters Air Force, Washington, District of Columbia, and Commander and Vice Commander, 20th Fighter Wing, Shaw Air Force Base, South Carolina.
2. I first met Lt Col James H. Wilkerson in 2008 when we were both stationed at Shaw Air Force Base, South Carolina with the 20th Fighter Wing. I was the vice wing commander from August to October 2008 and then the wing commander from October 2008 to June 2010. Lt Col Wilkerson's duties during this time were first as an operations officer in one of the fighter squadrons and then as the wing Chief of Safety. During the two years there I routinely had contact with him; up to several times a week. Additionally, I had social contact with him, such as at wing events and squadron barbeques. I observed Lt Col Wilkerson's interaction with his superiors and peers in the workplace. Since June 2010, I had no contact with Lt Col Wilkerson until he contacted me in regard to this case.
3. Based on my observations of and contacts with Lt Col Wilkerson in the 2008-2010 time period, I developed a very good opinion of Lt Col Wilkerson. He was an outstanding leader and I recommended him for squadron command at Kunsan. He always demonstrated a superb work ethic and positive attitude that permeated any organization he was in. He and his wife were frequently involved in unit functions, and in my opinion did a great job in creating a positive environment for the Airmen and family members in attendance.
4. Sir, I understand Lt Col Wilkerson was found guilty of the charges and specifications against him and sentenced to a dismissal and confinement for one year. I am writing you in support of his request for clemency, both that the forfeiture of pay and allowances be waived for the benefit of his wife and child and that the confinement be reduced.

(b) (6)

JOSEPH T. GUASTELLA, JR.
Brigadier General, USAF

HENDERSON & ASSOCIATES, INC.

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(b) (6)

December 4, 2012

The Convening Authority
Lt. Gen. Craig Franklin, USAF
3 AF/CC

Subject: Clemency Request for Lt. Col. James H. Wilkerson

Dear Gen. Franklin:

I am Leonard T. Henderson and a retired Brigadier General from the S.C. Army National Guard. Having served in the U.S. Army and the S.C. Army National Guard for thirty years, I had the privilege of serving in a variety of command and staff positions and working with a number of very talented officers some of whom I recommended for battalion command positions. My service included two overseas tours, Vietnam (1971-1972) and Operation Desert Storm (1991). I obtained a Masters degree from Clemson University and currently own and manage a forestry consulting/real estate firm in South Carolina.

I have known Lt. Col. Jay Wilkerson since he was a child. His mother and father (deceased) lived within close proximity to our home for a while, and I am very familiar with his entire family. Both of his parents were productive citizens and were successful in their careers. Both Jay and his brother (b) were motivated by their parents to obtain a good education and to strive for excellence. Jay's grandfather was a highly esteemed ophthalmologist and a pillar of our community. Although I never served militarily with Lt. Col. Jay Wilkerson, I followed his Air Force career from his commissioning date through his pilot training and numerous assignments.

Obviously, I cannot attest to his performance in the many positions he occupied as an Air Force officer, but I did have the opportunity to observe this talented young man address friends and family at his father's funeral. Jay gave a very touching eulogy which demonstrated his love for his father and his appreciation of the support shown by those present. I have attended many funerals and listened to many eulogies, but I have never been more impressed or inspired than by Jay's words. As military officers, we have had opportunities to brief very senior officers, but none of those briefings can compare with the emotional challenges of addressing grieving family and friends at your father's funeral.

Regarding the court martial of Jay and his subsequent sentence, it is clear that only three people, the accuser, Jay's wife (Beth), and Jay know what truly happened in the early morning hours of March 24, 2012 at his home. After reviewing a summary of Jay's court-martial, I have the following concerns:

1. Inconsistent statements were made by the accuser concerning the incident.
2. Previous evidence of lying and drug use by the accuser were not considered during the proceedings.
3. There is no DNA evidence to support accuser's alleged sexual assault.
4. Three of the five jurors were Medical Group Officers – none were pilots.

Additionally, the accuser claims to have befriended five (5) men following the alleged assault and consumed a beer with them. This action is particularly troubling in view of the accusations against Jay. Considering these points and the fact that Jay has had 20⁺ years of honorable service to his country, I request your thorough review of Lt. Col. Jay Wilkerson's case, your reversal of his conviction, and your recommendation for another trial in the United States.

Gen. Franklin, I appreciate your dedicated service to our country and your cooperation in ensuring Lt. Col. Jay Wilkerson is treated fairly under the Uniform Code of Military Justice.

Sincerely,

(b) (6)

L. Thomas Henderson, ACF, CF
BG(R), SCARNG
President

LTH/lmh

26 December 2012

MEMORANDUM FOR CONVENING AUTHORITY

FROM: Brig Gen Pamela Milligan

SUBJECT: Clemency Request for Lt Col James Wilkerson

1. I am writing to this Convening Authority regarding the clemency request of Lt Col Wilkerson pending formal appeal.

2. I am a 31 year Air Force Reserve Officer. I am currently the Vice Commander of Fourth Air Force and the Chief of Staff of U.S. Pacific Command Operations Directorate, as a civilian. I do not know Lt Col Wilkerson. I am, however, very familiar with (b) (6), the alleged victim in this matter. I have known (b) (6) since 1994 and know her to be (b) (6) and (b) (6). I was prepared to testify to this effect during the court-martial but my testimony was disallowed. I am married to (b) (6) former husband and have parented their son, (b) (6), for the past nineteen years. While I understand that this relationship may appear biased, I have witnessed (b) (6) behavior for nearly two decades. Her testimony against Lt Col Wilkerson is not the first time she has used the court system to advance her attention seeking, "victim mentality."

3. In 2001, (b) (6) accused my husband of child abuse. She used an isolated incident of my husband slapping his son during a temper tantrum to escalate what would become nearly a two year ordeal of her manipulating the courts to her personal and economic advantage. When she had trouble with the facts, she invented them...to keep the courts and child protective services' interest, her lies got bigger until she was caught in her own mire. She falsely told the courts that I abused (b) (6), a claim that (b) (6) would not substantiate. (b) (6) told the courts that my mother abused (b) (6) two years after my mother died. There was no untruth she would not tell to advance her agenda. I believe (b) (6) has (b) (6) which are the root cause of this accusatory vindictive behavior.

4. The facts in this case do not seem to add up. I hope that the appeal will lead to a more complete understanding of what occurred. Until that time, if Lt Col Wilkerson is incarcerated and left without a means to support himself or his family, additional hardship will ensue. As a military officer, I am concerned about the politically charged environment within the Department of Defense that focuses solely on protecting women from assault, but seemingly has no commensurate concern for men falsely accused. I believe that clemency now will promote the interests of justice. Knowing (b) (6) like I do, I am left unconvinced that justice was served.

(b)(6)

PAMELA K. MILLIGAN, Brig Gen, USAFR

(b) (6)

Lt Gen Franklin
CONVENING AUTHORITY
James H. Wilkerson Court-Martial

28 November 2012

General,

I hope you remember me. We crossed paths occasionally during my career. My call sign is (b) (6). I retired as an O-6 in December 2009 after serving for more than 33 years. I commanded a fighter squadron, including three combat deployments, and an Air Operations Group, and was a Deputy Operations Group Commander twice, including the Wolf Pack. Since retirement, I have been Vice President of a part 135 Airline with contracts in Afghanistan and Director of Business Development for a startup Airline in an effort to begin service from the U.S. directly to Afghanistan. I have two Master's degrees including an MBA, am a graduate of the Fighter Weapons' school, and was a National Defense Fellow. I now serve on the Board of Directors for the Greater Melbourne Regional Chamber of Commerce and the Executive Committee and General Board of Directors for a county-wide charity in Florida, and I am a member of the Florida Tax Watch Organization. During my career, I earned a Bronze Star and Distinguished Flying Cross as well as the Defense Superior Service Medal and the Legion of Merit with 1 oak leaf cluster.

I met the Wilkersons when I moved to Sumter, SC in August 2007. They were our neighbors about six houses away. My wife and I became friends with Jay and Beth immediately, more so as neighbors than co-workers. Colonel Wilkerson was a pilot in one of the squadrons and later became operations officer of a squadron I was attached to for flying purposes. While I did see him occasionally at work, our relationship was more of neighbors and friends. My wife and I have been to their home on many occasions and them to ours and we have visited their beach townhouse several times with them. My wife has stayed at the townhouse both with me and at times when I was unable to attend. We've been at their home regularly as they hosted get-togethers, no-notice parties, and other events with family and friends. And yes, we have been there when they were drinking. In fact, we've been around both Jay and Beth in circumstances very much like the night of the alleged incident. The fact is we know the Wilkersons as well as anyone.

General, I will stake my life on Colonel Wilkerson's innocence. I've flown combat with many fighter pilots and I cannot say that about all of them, but I assure you, I have absolutely no doubt about this. Jay Wilkerson was wrongly convicted. I trust him with my life, I trust him with my wife, and I trust him with my two grown daughters. He did not do this.

How could he have been wrongly convicted? A woman, scorned by the man she was interested in, is out all night and needs a ride home at 4 AM. She calls a friend who asks "what are you doing out here." She is embarrassed at her situation being associated with the military for only six months and begins to make up a story; one version to her friend, another to the medical technician where she went to get a drug test because her story at the time was that she must have been drugged. Once the tests come back negative, she changes her story again to one of no incapacitation at all. She tries to file only a restricted report – no law enforcement – but oops, civilians can't do that. It's too late. Her story is in official channels. It grows. It changes. She tries to back out periodically, but the prosecution has a strong-willed senior officer in charge now so she keeps going, changing more details of her story along the way. ~~She says she cannot~~ remember the room she says she slept in or a twenty minute phone call with her best friend. Her best friend does not believe her story. She testifies how this whole thing has made her life "not the same." I've been a part of three sexual assault cases in my Air Force career and I have observed when a woman is sexually assaulted, even as slightly as this allegation is, she is hopping mad. This is not this accuser's story. She's only upset because "her life has changed." Finally, within 48 hours of the verdict, she seeks out a friend of the defendant and apologizes. She "didn't mean for him to lose his retirement and go to jail." That is not the sentiment of a woman who has been assaulted.

As you review the testimony, you will see that the fighter pilot culture was on trial. Colonel Wilkerson's past fighter pilot experiences were offered as evidence, even proof, he is a sexual predator. Testimony is filled with seat belts in the Vice Wing Commander's car, the common (only) restroom at Bruni's in Kunsan where no wives should have been, the singing of fighter pilot songs, and burning couches. As you know, the burning of a piano, or couch, is a fighter pilot tradition at the completion of a combat deployment. I believe you are familiar with the tradition handed down from our British Allies in World War II and rejuvenated during DESERT STORM. You are no doubt equally aware of precautions taken to insure the fire is controlled properly. The prosecution was not familiar with the tradition. Burning a couch is a crime in their eyes and they made a big deal of it. During this trial, despite having proof the 77th Fighter Squadron from Shaw burned the couch upon completion of their combat deployment in support of the war in Libya; the prosecution repeatedly raised the issue as if Colonel Wilkerson single-handedly burned a couch in an uncontrolled area and manner. As to the seatbelts, the prosecution argued that Colonel Wilkerson alone was supremely responsible for two people in the Vice Wing Commander's car not wearing seatbelts – there were six officers in the vehicle and it was the Vice Wing Commander's car but only Colonel Wilkerson was criminally negligent by not enforcing the seatbelt rule. Really; read the transcript. If this were not so serious, it would have been laughable. Truly irrelevant, except in today's climate, these fighter pilot traditions and seatbelt rules were used to pile on to support an extremely weak case with a questionable accuser to gain a conviction by a jury to whom these events are foreign; a conviction of an innocent man. Condemnation of fighter pilot traditions is no reason to so grievously harm an officer and his wife and son, not even a fighter pilot. Not even in today's environment.

The prosecution portrayed Beth Wilkerson as lying to protect her husband and his retirement. General, Beth Wilkerson left her first fighter pilot husband, and believe me, had she found Jay as this accuser said, she would have left him the next day. The character of these two people is as

high as you will find in the Air Force. As you read the transcript, you will find that to be true. The Wilkersons opened their home to a stranger who repeatedly refused rides home because she was upset and had nowhere to go. No good deed goes unpunished. Despite their kindness, this woman accused him of a crime and his wife of a cover-up and the prosecutor painted both the Wilkersons as outright liars – his words. He also stated the Operations Group Commander at Aviano lied and the Vice Wing Commander testified to cover it up. The only way Jay is found guilty is if everyone lied in this case, except the accuser. Four others have to have lied but not her? Does that not seem strange? Due to the amount of time I've spent with the Wilkersons, had there been any change in their relationship, I would have sensed it immediately. Instead, when I arrived at Aviano, I found the same loving couple I have known since 2007. Jay Wilkerson is a fine officer and a gentleman and does not lie.

My bottom line is as I said: I will stake my life on Colonel Wilkerson's innocence. When you read the transcript of the trial, I am confident you will see ample reasonable doubt as to the accuser's story. Please also note, the OSI made no effort to collect any physical evidence either at alleged crime scene or from the accuser; they took no photographs, and never asked for the bedding or sheets. They waited more than three weeks (until two days after SECDEF guidance of 17 April) to interview Colonel and Mrs. Wilkerson. It is possible the SECDEF guidance of 17 April 2012 that will "necessarily lead to more prosecutions," and the significant number of AFN commercials with regard to sexual assault may have influenced this case. The SECDEF guidance was briefed to every officer on Aviano and likely to all members of the jury as well. Combined with the jury's prohibition against seeing Brigadier General Milligan's testimony, it does give pause. Yet, this episode became even more surreal during the sentencing phase when the prosecution focused almost exclusively on the reputation of the Air Force: "We must make the Air Force look good." I had hoped that the truth would prevail but the climate at the time did not permit a just outcome.

Dismissal from the Air Force and the disgrace forced on Colonel Wilkerson after giving nearly 21 years of honorable service to his country are shameful. The accuser's story of groping, even if plausible, did not warrant so severe a punishment. But, the prosecutor said "we have to make the Air Force look good" so the jury decided on dismissal – the harshest of punishment possible except for additional jail time. This sentence was considerably more severe than others for more grievous offenses given that the accuser claimed "my pants were never undone" and she doesn't know if he touched her outside her pants or inside her pants. Certainly not "penetration" as the conviction reads, for how could there have been penetration if her pants were never undone and she doesn't know if his hand was ever inside her pants? It depends on which version of her story the jury accepted. Dismissal for a changed story... This conviction also prohibits Colonel Wilkerson from ever having employment as a pilot. Short of incarceration, this effectively takes away his entire life; forcing him to register as a sex offender and look for an entirely new career field for employment.

Additionally as you review the transcript you will see the testimony and evidence of Brigadier General Milligan. Her testimony, although in the record, was never permitted in front of the jury. Not permitting the jury to see this testimony was an error as it goes directly to the accuser's credibility. Testimony to a willingness to falsify court documents is something the jury should

have had the opportunity to see. It certainly could produce more doubt as to the accuser's story. Brigadier General Milligan called the accuser (b) (6) during her testimony before the judge. Again, since the jury never saw it, when the prosecutor in his closing argument said "you would have to believe her (the accuser) evil to make up this story," the jury was prohibited from hearing testimony to exactly that point. The prosecutor was permitted to lie to the jury because the judge did not permit General Milligan's testimony to be seen by them. How could this be fair to Colonel Wilkerson when the same prosecutor is allowed to repeatedly say Colonel Wilkerson and Beth were lying? Again, everyone was lying except the accuser? Implausible.

Now, we are asking you to intervene. As you review the transcript, I hope and pray you will see ample "reasonable doubt" to help you set aside this conviction as is your prerogative. Unfortunately, there may be concern from others if you modify the outcome and I understand your position. However, the truth should be told. Perhaps the best compromise is another trial. Therefore, I respectfully ask that you send this case back for retrial if you cannot find it in your heart to set it aside altogether. So General, I respectfully ask: please allow this fine officer and his wife a fair and complete opportunity to defend themselves. The truth deserves to be heard – all of it. Our Air Force and our system of justice must continue to seek the truth, especially, if not in spite of, these trying times.

Respectfully,
(b) (6)

(b)(6)

Colonel, USAF (retired)

To: Lieutenant General Craig Franklin

From: (b) (6)

Date: November 27, 2012

RE: Appeal for Clemency for Lt. Col. James H. Wilkerson

I am writing to appeal to you to right a wrong that was committed against Lt. Col. James (Jay) H. Wilkerson. On 2 November, this fine officer received the sentence of dismissal from the Air Force and one year confinement. I appeal to you, as the convening authority, to correct this injustice by reversing the conviction, immediately releasing him from confinement and reinstating the opportunity for retirement benefits.

To provide you information about myself, I offer the following: I graduated from Berea College in Kentucky in 1982 as a Physical Education major. I have worked for national headquarters of the American Red Cross in Washington, DC since 1996. In my current role, I am a product manager for our Aquatics product line. My responsibilities include guiding the direction of our nation's aquatics programs to help keep people of all ages safe in, on and around the water through our learn-to-swim, lifeguarding and other water safety programs. My husband, (b) (6), and I have been married for 14 years. As any career military family, we have traveled the nation and the world in support of this country and Air Force that we both love.

(b) (6) and I met Jay and Beth Wilkerson in August 2007, when we moved into the same neighborhood in Sumter, SC while stationed at Shaw Air Force Base. Bob and Jay were both on active duty when we first moved there and we all just came from overseas assignments. We connected immediately with the Wilkersons and came to consider them more as family than simply as friends. We have spent a great deal of time together, from casual get-togethers and general hanging out to more "formal" and significant affairs, such as holidays and celebrations. I have been a frequent house guest at Jay and Beth's family beach house in North Carolina—sometimes with (b) (6) but also when (b) (6) was not home due to deployments or business trips.

As a female, I feel it important to give my opinion of Jay. Jay is a man who embraces life completely. He is one of the most positive, energetic, enthusiastic and optimistic people I know. He is a family man who loves his wife and son to the fullest. He is a son to a mother that relies upon him and a brother who looks up to him. He has the love and respect of life-long friends as well as new-found friends. Further, I trust Jay completely. I feel that I have interacted with him in enough situations to have the ultimate confidence to say that I do not believe the charges brought against him or the crime for which he was convicted. Simply stated—I firmly believe that the panel members got this wrong.

General Franklin, as you well know, the current direction of Air Force and Department of Defense leadership is to aggressively prosecute claims of sexual assault—and to convict. In this environment, Jay could not—and did not—get a fair trial. Any court proceeding

should ensure justice for the accuser as well as the accused. We should not be in a place in our military that simply because one person makes a claim against another the result is the destruction of a life of a dedicated officer and warrior and the lives and future of an entire family.

The Wilkersons are good hearted, fun-loving and gracious people. As a fighter pilot, you must understand the concept of no-notices. Remember that Jay's superior, the vice wing commander, was leading the charge on that evening. Even though unplanned and uninvited, Beth would have opened the doors to their home and been hospitable to those who entered. She would have tried to do the right thing for those guests—but would have drawn the line when it impacted the welfare of the children who were entrusted into her care by a friend. Like most mothers, she would have required the nonsense to stop.

You will have the opportunity, and obligation, to read the transcript of the court-martial. During that time, I'm sure that you will come to know the facts of the case as intimately as I have. However, I feel compelled to raise a few points that I think directly question the judgment made by the panel members. Their burden was to convict only if the evidence met the test of "beyond a reasonable doubt."

First and foremost, there is no physical evidence of any sort making this a credibility contest between three people. Given that, there are many examples of contradictions and changes in the story of the accuser, and things that just don't make sense that would have raised a reasonable doubt for me if I had been a panel member. I am raising only a few questions that remain in my mind as I try to wrap my head around how five officers could have come to the conclusion that any assault happened and to a guilty verdict:

- If the accuser had just spent several hours with the accused, how could she not know whether or not he had a moustache? This being "moustache March" it would have been a prevalent facial feature and one noticeable, and memorable, to anyone.
- Why didn't the accuser leave when her other friends did? Beth gave the accuser's friend a ride back to the base, but the accuser did not go. Why not? Why did she desire to stay in a house where she knew almost no one and had a room back at base?
- Later, why didn't she take another friend up on the offer to come and pick her up? Phone records show that the accuser was on the phone with this friend longer than the amount of time it would have taken her friend to pick her up. Her friend also testified that she asked the accuser to let her talk to "the wife," but the accuser denied that assistance. Why?
- The accuser states her pants and belt were buttoned/zipped/buckled after the alleged assault. How could a grown man get his hand down her pants, which were still buttoned/zipped/buckled? Moreover, even if he could do this, how could he do this without waking her up?
- During the proceedings, a big deal was made of the fact that the accuser left without her shoes after the alleged assault. So how would she have had the situational awareness to collect her purse and cell phone as she "escaped" but not her shoes?
- If having been assaulted by a "stranger," why in the world would she have consumed a beer with five new male strangers in the town once she left the Wilkerson home,

and then finally call a friend to come pick her? If you had just been assaulted by a strange male after having drinks with him, why would you put yourself in the situation to have a drink with five additional unknown males?

- There has been no indication of this type of behavior from Jay in the past—absolutely none. The Wilkersons were hosting the two young boys of a friend that night. This was the first night that they had spent away from their mother since the death of their father about a year prior to the alleged incident. Is it reasonable to think that on this particular night, Jay would change his character and assault someone? I think not.
- Speaking of the kids, I do not know if you have children, but children have an innate sense about their surroundings and can detect if anything is amiss. Certainly, two children would not have been begging to stay the following day had there been any tension between Jay and Beth. Had Beth caught Jay in the act, as the accuser states, there would have been noticeable tension between them the next day—not to mention that the Wilkersons would not have wanted the additional pressures of hosting young children subsequent to such an event. Yet, there was no tension between them and the children wanted to stay, and in fact, did.

As I said, these are only a few of the facts that raise doubts as to the validity of this story. It just does not add up.

The fact of the matter is that now Lt. Col. Wilkerson's life is irrevocably damaged. The mere fact that he was convicted of this crime—regardless of what comes next—will follow him and his entire family for the rest of their lives. You have the power at this point to at least mitigate the impacts of this wrongful conviction. I sincerely hope that you will take to heart this responsibility given to you. Please take the time to read the transcript of this court-martial and look for the points that I have highlighted for you. Once you do, I believe that you will come to the same conclusion that the only just action now is to reverse the conviction, immediately release Jay from confinement and re-instate his retirement benefits.

With respect,

(b) (6)

(b)(6)

1 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b) (6) (COLONEL (b) (6)

SUBJECT: Clemency Request – Lt Col James Wilkerson

1. Sir, I am a regular, active duty Air Force Colonel currently stationed at Aviano Air Base, as the (b) (6) and I have been in the Air Force for over 15 years.

(b) (6)

2. I first met Lt Col James H. Wilkerson at the end of July 2011, while we were both stationed at Aviano Air Base. I was his peer and friend from then until the present time. Lt Col Wilkerson's duties during this time included Deputy Commander, 31st Operations Group and Inspector General, 31st Fighter Wing. During the 15 months I've known him, I routinely had contact with him weekly either by working side-by-side or through correspondence. Additionally, I had frequent social contacts with him such as wing events, dinners, family vacations and other social activities. I was able to closely observe Lt Col Wilkerson's interaction with his superiors and peers, in the workplace and in numerous non-duty informal settings.

3. I have great respect for Lt Col Wilkerson because of his dedication to the mission and how he balanced that commitment with his family. Every interaction that I had with Lt Col Wilkerson was extremely professional and I could count on him to provide input and guidance with regards to events occurring throughout the Wing. For example, when the new IG construct was being implemented at Aviano, Lt Col Wilkerson provided critical insight and knowledge that reduced anxiety usually associated with change. He skillfully communicated the Commander's expectations and intent. On a personal note, my family had many opportunities to attend events and festivals with the surrounding Italian communities along with his family. He always ensured that Beth and (b) (6) would enjoy themselves. I specifically remember the times he took to educate (b) (6) about the flora and fauna when we went on a hiking trip to Bad Kleinkirchheim, Austria. Every time we interacted, it was clearly evident that he was dedicated to his family.

4. As the (b) (6), I realize that this letter may appear that I do not support members of the Medical Group. This is not the case; I do not know the alleged victim as she works in a separate building as a contractor and we've only met a few times in passing, of which the majority of interaction occurring after the completion of the proceedings. Therefore, I want to be clear that in no way am I writing this letter in my role as the (b) (6)
(b) (6)

5. I completely support the Air Force efforts to eliminate sexual harassment and assault as it should not be tolerated. I have had members of my own squadron at previous assignments who were victims and those that were perpetrators. My team and I ensured that the victims were taken care of and that perpetrators were appropriately dealt within our legal system. I have had an O-6 in my squadron receive an Article 15 because of sexual harassment back in 2009. I've seen how perpetrators that were guilty act and in this particular case, I do not believe Lt Col Wilkerson is guilty of the charges. I understand that every individual may act differently to the situation they are in. Yet, Lt Col Wilkerson's actions and demeanor during the entire process was not one of an individual who had committed such allegations that a guilty verdict was given.

6. I was not privy to any of the details, nor did I even know what the allegations were until a few weeks before the proceedings when they became public knowledge. The past 7 months, Lt Col Wilkerson's actions and demeanor were no different than that of before the alleged incident. Our families have gone on numerous vacations together and there was no indication that any marital strife or family issues were present. In fact, approximately one month prior to the alleged event, during President's Day weekend, our families went to Garmisch together to go skiing/snowboarding. Subsequently, approximately a few weeks after the alleged incident, during spring break, we went on another family vacation to Crete. There were absolutely no changes in the way Lt Col Wilkerson and Beth interacted with one another from one trip to the other. There was no indication that such an event could have occurred. I believe that if the incident had occurred, there would have been a significant behavioral changes, or at the very least some observable changes, associated with both Lt Col Wilkerson and Beth. It would have been difficult to put up a façade and act like everything was "normal" for so long. Additionally, if the event had occurred, I believe that the Wilkerson's would have most likely cancelled the trip and Beth would've taken (b) back to the states.

7. Sir, based on every interaction I've had with Lt Col Wilkerson and Beth, I believe this incident did not occur as alleged. Sometimes in our legal system, mistakes happen and innocent people are convicted. Please do not let Lt Col Wilkerson be one of those innocent people who has to suffer. Therefore, please let him have a new trial so that we can right this wrong. If you feel that inappropriate, please at the very least consider reducing the confinement period so that he can be reunited his family. I also request that you please waive the forfeitures to Beth for her benefit as well as the benefit of their son (b)

(b) (6)

(b) (6)

(b) (6)

Colonel, USAF, DC

7 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b) (6)

SUBJECT: Lt Col Wilkerson Clemency Request

My name is (b) (6) I am a spouse of Col (b) (6) who is currently the (b) (6) (b) (6) We have been in the Air Force for the past 15 plus years. I say "we" because I have been very involved in the Air Force Communities for all of our assignments. I have been active in all the spouses groups, key spouse programs, thrift shops, cookie drives, Operation Yellow Ribbon and am the Senior Spouse for the 31st Medical Group. I am the mother of three teenage sons. I have had a Master's Degree in Agency Counseling since 1992 and am currently licensed in Missouri and Texas. I have over 15 years of counseling experience working in the mental health field and as a school counselor.

I met Lt Col Wilkerson and his wife, Beth, in September 2011. Over the past 16 months we have become close family friends. We have had many occasions together that range from dinner, a day shopping trip, local tours, snowboarding, to family vacations in neighboring countries. My sons' have babysat the Wilkerson's son, (b) (6)

As I stated before, I have a Master's Degree in Counseling, therefore, I believe I am a very good judge of character. I have great respect and admiration for Lt Col Wilkerson because of his service to our country but even more so through getting to know him on a personal level. I believe him to be a man with a good, strong character. He has shown me that he puts his family first. He is involved with his son's athletics and is a hands-on teacher with his son. On many occasions when we were out as couples, he is very attentive to his wife, sits next to her and engages in intimate conversations. He is a caring man with a concern for others. There are many examples of him helping others, he is known as the one to call if you are having trouble. Another example of his care for others is when he took my son's out to teach them to snowboard; he did this on several occasions. I trusted him with my children and still do.

As I have stated before, we have gone on family vacations with the Wilkerson's. We went to Garmisch, Germany for a weekend, 17-20 February 2012. Then we went with the Wilkerson's to Crete on 9-13 April. There were no changes in how Jay and Beth interacted with each other. There was no indication that anything was amiss in their relationship. I believe that if this incident happened as he is accused of that there would be significant behaviors evident within their relationship to indicate they were having marital troubles. Furthermore, I believe they would have never gone on the trip if this incident had happened as he is accused.

I have never been in more shock in my life than when "guilty" verdict was read. I have not for one minute believed that Lt Col Wilkerson had done what he is accused. I believe that he should be re-tried. At the very least, I believe that he should be released from confinement as soon as possible, so he can return to his family. Beth and (b) need him and he needs them now more than ever.

(b) (6)

(b) (6)

COLONEL (RET) (b) (6)

(b) (6)

November 26, 2012

Lieutenant General Craig A. Franklin
3rd AF/CC
Ramstein AB, Germany

Dear General Franklin,

My son-in-law, LTC James Wilkerson, was recently convicted of aggravated sexual assault at Aviano AB, Italy. I am sure you are acutely aware of the circumstances. His wife, Beth Wilkerson, is my daughter and their son (b) is my grandson, of course. Jay is being confined for up to a year, and then he will lose all pay, allowances and benefits, including his vested retirement.

Jay is a fighter pilot and so am I. I flew F-4s in Vietnam as a member of the 13th FS. I understand that you are also a fighter pilot. So, you know the culture of the fighter pilot community. Other than sexual assault, similar charges as those thrown at Jay could have been leveled at most fighter pilots in most squadrons. The prosecutor made this a case against fighter pilots in general. All of it was simply an attempt to smear him in the eyes of the jury. None of those charges, had anything to do with his honesty, integrity, or whether or not he could ever commit sexual assault. Those charges were merely presented to impeach him in the eyes of the jury. On the other hand, a stack of affidavits to Jay's truthfulness were not admitted by the judge. How can that be a fair trial?

Speaking of the jury, it consisted of five officers, three of which were medical officers, same as the accuser. Who do you think they sympathized with? The guarantee of a fair trial by a jury of your peers should apply to peers of the defendant, not the accuser, shouldn't it? This jury was not even a representative sampling of the Air Force officer population. Obviously, medical officers do not constitute sixty percent of the Air Force. Clearly, pilots are a much larger percentage of the Air Force than medical officers, yet there were no pilots on the jury—none.

The prosecutor, Colonel Christiansen, is the chief prosecutor in the entire Air Force. He was sent straight from the Judge Advocate General's office in the pentagon. His aggressive influence was strongly felt by everyone from the article 32 hearing to the court martial itself. My opinion is that this all stems from the DOD directive from Mr. Panetta that he wants all sexual assault cases vigorously prosecuted by no less than an O-6. Colonel Christiansen was sent to get a conviction at all costs. I don't disagree with getting tough on sexual offenders, but you have to be careful not to go on a "witch hunt" and hang the innocent in a politically correct fervor, as was done in this case. I don't think it was possible for Jay to get a fair trial under these circumstances. The prosecutor was obviously aware of the new "get tough" policy, the judge was certainly aware, and I would expect the jury was also aware of the climate change. I believe this is a textbook case of undue command influence, not from the operational chain of command, but from the judge advocate command structure. Their job is to provide a fair and unbiased court system. That did not happen in this case.

While the prosecutor was allowed to smear Jay in front of the jury with charges that had nothing to do with his character, integrity or honesty, the judge would not allow testimony by Brig Gen Pamela Milligan, USAF AFRC 4 AF/CV, who could testify that the accuser had lied under oath in a previous court case and that she had previously made false charges. Brig Gen Milligan said the accuser "is an unhappy person who alienates everyone close to her...I think she intentionally brings people down with her so that she can momentarily feel better." Brig Gen Milligan has reason to know the accuser well but none of her testimony was allowed before the jury. She further testified that the woman was an (b) (6) person," but that testimony was disallowed. The jury never heard it. But, the prosecutor used those very words against Jay in his closing when he told the jury that you would have to believe the accuser to be an (b) (6) person to lie about such a thing. Colonel Christiansen said the accuser had "absolutely zero reason to lie." But, a lie without a discernible reason is, nevertheless, still a lie. I don't know why this woman lied, but she did, and the jury never heard the testimony that she is evil and untruthful.

But, the penalty far exceeds the crime even if Jay were actually guilty, which he is not. After all, there was never rape claimed, a rape kit was never requested. From the beginning, it was a case of alleged "groping" and it was a "he said, she said" case with absolutely no corroborating evidence. I'm not sure where the alleged "digital penetration" came from, but I suspect it was added later to reach the minimum threshold for the "aggravated" charge. I am told the accuser changed her story several times. Probably, some of the changes were introduced through suggestion from the prosecution. I am also told she tried to back out several times but was convinced to continue by the prosecution.

Are you beginning to get the picture that I see—the chief prosecutor of the Air Force who is, in effect, an emissary directly from the Judge Advocate General, a tailor made jury including three medical officers and no pilots, a judge who rules against the defense and for the prosecutor at every turn, and a climate of "get tough" all the way from the top? Again, there is nothing wrong with getting tough on offenders, but not at the expense of fairness to the innocent. In my opinion, it was not possible to get a fair trial under these hostile conditions.

General Franklin, I have no idea how much discretion you have in cases of this nature. But, you are the convening authority and I would think it would be your responsibility to ensure a fair trial to both the accuser and the accused. That did not happen here. An innocent man was wrongfully convicted in a very one-sided and unfair trial. I would hope you could do something about that. I am told an appeal will take at least two years. So, Jay will have finished his incarceration by then and his family will continue to suffer this tragic circumstance. If you can look at the circumstances of this trial objectively, I think you will agree that nothing about it was fair. I am asking you to take action as the convening authority and to demand a just outcome. You have the capability to verify everything I have said. If you find that I have correctly stated the circumstances of this trial, then I think you should do whatever is required to have this decision reversed or declared a mistrial and to set Jay free. This is a monumental travesty of justice and it must not stand.

Jay and his gracious lady have given over twenty years of honorable and faithful service to the Air Force community and the country. Yet, their word was not believed and the word of a provable liar was accepted over theirs in a very hostile and unfair trial. Honor and loyalty work both ways.

So, I ask you to give this matter your full attention. I would appreciate anything you can do to help alleviate the impact of this tragedy on our family.

Respectfully,

(b) (6)

A large rectangular grey box redacting the signature of the sender.

(b) (6)

A small rectangular grey box redacting the name of the sender.

Colonel, USAF (Retired)

(b) (6)
(b) (6)

November 27, 2012

Lieutenant General Craig A. Franklin
3rd AF/CC
Ramstein AB, Germany

Dear General,

I am the mother of Beth Wilkerson and mother-in-law of LTC James Wilkerson, who was recently convicted of aggravated sexual assault and other charges at Aviano AB, Italy. I wanted to take this opportunity to tell you a little about my daughter and her husband.

My first husband, Beth's biological father, was Major (b) (6). He flew F-105's in Vietnam and received two Silver Stars, several DFC's and too many other awards and decorations to list. He was killed in a peacetime T-33 accident eight months after returning from Vietnam. My present husband, Colonel (Retired) (b) (6), is also a Vietnam Veteran with numerous decorations including two DFC's and thirteen Air Medals. He adopted Beth when she was a teenager. She is as close to him as if he were her biological father. So you can see, Beth has quite an Air Force heritage behind her. She grew up learning to respect the honor and integrity that go with being an Air Force officer and combat pilot.

Sir, after your reading of the transcript, I believe you will be convinced that Jay could not have done what he was accused of and further that Beth would not have lied about such a thing. Shortly after the conviction, Beth sent her son, (b) to stay with us and we are giving him all the love and comfort we can, but it is an uphill battle. It pains me to see that his little heart has been broken and his world turned upside down. Beth and Jay have given their whole lives to serving honorably and with integrity and they, and (b), do not deserve any of this.

Please dig deep into your heart to help this family, I beg of you. They do not deserve the harsh punishment that was given to Jay. Thank you so very much for your time and consideration.

Sincerely,

(b) (6)

(b)(6)

26 Nov 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: Colonel (b) (6)

SUBJECT: Support for Lt Col James Wilkerson's Clemency Petition

1. I am in the active duty USAF, (b) (6)

(b) (6)

I am an F-16 pilot by trade (b) (6)

(b) (6)

2. Though I have never flown with Lt Col Wilkerson, I did serve for one year with him while attending together the AF Institute of Technology at Wright-Patterson AFB, OH, for Intermediate Developmental Education from 2005-06. Having the same major, we had several classes together and accordingly, worked closely on several group projects. He became a good friend and I though I have not seen him since, I have maintained email correspondence with him since graduation.

3. Having known Lt Col Wilkerson very well both personally and professionally during school at AFIT and over the past six years since, I find it unfathomable that he would have committed this act. He and his family have been guests of mine in our home several times; he dearly loves his wife, Beth and son, (b) (6), and this whole story just doesn't add up. His military bearing is impeccable, his attitude is contagiously optimistic and he had high hopes and dreams of being an O-6 and commanding at the Group or Wing level. Frankly, I was shocked at the outcome of Lt Col Wilkerson's court-martial. Though I clearly did not have access to all the facts, nor was I in the courtroom, from everything I could gather online this appeared to be a classic "he said, she said" case to be held to the most rigorous standard of 'proof beyond a reasonable doubt', thus I was confident this case would not result in a conviction. At the same time, I am all too aware of the climate regarding sexual assault in the USAF and DoD; I sincerely hope that this climate in no way swayed the jury members' decisions or the impartiality of the panel.

4. While as stated above, I'm astonished at the result of this trial, my intent is not to blame or denigrate the military justice system, but to simply ask that you consider the "whole picture" when you review Lt Col Wilkerson's clemency petition. I've merely attempted to add one small piece to this picture. Perhaps if there was a "smoking gun" in this case, I would feel differently, but to my knowledge there was not. Hence, it seems unreasonably harsh to take away so much from a decorated member of our service who performed so admirably and selflessly for 20 years, for the disputed acts on one night. I respectfully request that you bear in mind the innocent family members in your consideration that Lt Col Wilkerson's forfeitures be waived to them and that his confinement term be reduced so that he may return to his family sooner to begin to rebuild their shattered life.

5. Sir, thank you for your consideration. Please direct any questions to the undersigned at (b) (6) (b) (6) or via email at (b) (6)

(b) (6)

(b) (6)

Colonel, USAF

10 Dec 12

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b) (6)

SUBJECT: Clemency for Lt Col James H. Wilkerson

1. Sir, I am Col (b) (6) and currently serve as (b) (6). I have served for nearly 24 years with the majority of my assignments in F-16 units. I have also served on the staffs at ACC and USNORTHCOM.
2. I first met Lt Col Jay Wilkerson when he was one of my students at Luke AFB where I was an F-16 FTU IP. After graduating the B-Course, Jay went on to serve around the globe and we didn't bump into each other again for more than 10 years until he was assigned at Aviano as (b) deputy commander in 2011. In the last year and half, I have been extremely impressed with his character and leadership ability and I'm very proud to call him my friend.
3. Lt Col Wilkerson is an outstanding officer, leader, and American. His service to our country both in and out of combat has been exemplary. He is also a fantastic husband and father and I often wish I were as good as him with my own family. In the last year and a half, I found his integrity to be of the absolute highest possible level. This is a man who will tell the truth to his detriment. Not once has he indicated he did the crimes he is accused of. In fact, he refused to show any remorse in his unsworn statement during the sentencing portion of the trial while knowing this could result in a harsher sentence. When I asked him about this, he said, "I will not admit to something I didn't do."
4. During the trial, I became very disappointed with our military justice system and I do not believe the members of the court were allowed to hear all the relevant evidence. Specifically, the judge did not allow any evidence describing the accuser's truthfulness. This is a very important point since in this case, there was zero physical evidence and the court was forced to determine who was telling the truth. One witness in particular, a USAF O-7, was prevented from testifying in front of the court members since the Judge did not allow any testimony impugning the truthfulness or character of the accuser. However, on the contrary, multiple incidents such as not wearing seat belts or participating in an end-of-deployment couch burning were discussed at length to discredit Lt Col Wilkerson.
5. Based on my personal knowledge of Lt Col Wilkerson's integrity and the Judge's decision to not allow any evidence of the accuser's past history of untruthfulness, I humbly request you set aside the previous court's verdict and allow another trial. I am confident Lt Col Wilkerson will be found not guilty if all evidence is presented.

(b) (6)

(b) (6)

Commander

Colonel (Ret) (b) (6)
(b) (6)

Lieutenant General Craig A. Franklin
3rd AF/CC
Ramstein AB, GE

Dear General Franklin,

13 December 2012

My name is (b) (6), and I am a regular, retired Air Force Colonel. I live with my wife, (b) (6), also a retired Air Force Colonel. My last position on active duty was (b) (6), MacDill AFB, FL. In this position, I was responsible for (b) (6). (b) (6). I have also served in various positions throughout my career as a fighter pilot in combat and as a Joint Staff Officer. I deployed 3 times during Desert Storm. I am the recipient of the Legion of Merit, Defense Meritorious Service, 2 Air Medals, Aerial Achievement as well as many other awards and decorations. Currently, I am (b) (6).

I wrote affidavits of truthfulness for both Beth Wilkerson and LtCol James Wilkerson, but I understand those were never allowed into evidence during the trial. I don't understand that decision. I feel my affidavits were substantial considering Beth and I were married for ten years. The simple fact that her ex-husband is writing this letter and wrote previous letters for her and Jay should make one take notice. Beth and Jay are truly good people!

Not one time has she ever lied to me nor lied about anyone or anything. It's just not in her character to do so, no matter what the situation. She was raised by parents who have the highest integrity and passed that along to Beth. I'm sure that sounds strange in today's society, to find a person who will not lower their moral standards, but Beth is that person—she's one others would do well to emulate. To be clear, Beth would not under any circumstances lie for Jay!

I have kept in constant contact with Beth since our divorce in 1994, a few times in person, but mainly through my sister and her father. My sister, (b) (6) is one of Beth's best friends. Colonel (Retired) (b) (6) was my Commander for Operations at Davis Monthan AFB, AZ, my father-in-law during the 10 years I was married to his daughter, Beth, and is to this day one of my dearest friends.

I first met Jay in 1993 while we were both stationed at Langley AFB, VA. I was the (b) (6) (b) (6) and Jay was in the banked pilot program. We had weekly contact when he came to liaise and participate in the flying operations. I was able to closely observe his interaction within the squadron both in duty and non-duty settings. I have had continuous contact with Jay since then, a few times in person, but mainly through my sister and his father-in-law. I believe Jay's character to be of a very high standard and as such, I volunteered to go to Lackland AFB (a three-hour drive from our home) to do a VTC testifying to the above for the

trial. Sir, I can assure you if Beth witnessed what was alleged there is no chance she would ever take the stand in Jay's defense let alone take the stand and lie under oath.

Jay and Beth have admirably served the Air Force and our country for over twenty years. Please show them mercy and restore as much of Jay's benefits as possible. From what I've read about the trial, I don't feel Jay received a fair trial and would hope either a mistrial or a retrial is in the very near future.

Respectfully,

(b) (6)

(b) (6)

Colonel, USAF (Ret)

10 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: COL (b) (6)

SUBJECT: Letter for Consideration regarding Clemency Request for Lt Col James Wilkerson

1. My name is Colonel (b) (6) an officer with 23 years of service in the United States Air Force.

2. Lt Col Wilkerson and I were assigned to (b) (6) Lt Col Wilkerson served as my Director of Operations from February 2009 to June 2009, when I was re-assigned for duty in Washington D.C. During this period, I had near daily interactions with Lt Col Wilkerson both on and off duty, in both professional and social situations.

3. In the time that I served with Lt Col Wilkerson, I observed only dedicated service and professional conduct. During this period, Lt Col Wilkerson's integrity and professionalism were impeccable. He quickly earned my trust as a selfless and caring leader, and through his performance he was easily the #1 of 3 Directors of Operations that served under my command between June 2007 and June 2009. In June 2009, prior to my re-assignment, he had earned a ranking as the #1/7 Field Grade Officers and #1/33 officers in my squadron for his demonstrated integrity, service and excellence.

4. Lt Col Wilkerson proved to me during that period that he is an officer who cares about the United States Air Force and its people. He selflessly served to improve all aspects of military life for those whom he supervised, and he had my complete confidence as he carried out his daily responsibilities. Additionally, he showed himself as a man who is very dedicated to his family, both Beth and (b) (6). I am hopeful that Lt Col Wilkerson will soon be able to re-build his life together with his family.

(b) (6)

(b) (6)

Col, USAF



DEPARTMENT OF THE AIR FORCE
DACCC, POGGIO RENATICO, ITALY

23 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b) (6)

SUBJECT: Request for Letter in Support of Clemency Request - Lt Col James Wilkerson

1. Lieutenant General Franklin, you may remember our time together at Balad Air Base, Iraq in 2010, where I commanded the (b) (6)

(b) (6) Over my career, I have accrued over 2600 hours in the F-16, completed five combat tours in Southwest Asia earning six Air Medals, commanded a front-line combat unit and attended the School of Advanced Military Studies and the Industrial College of the Armed Forces.

2. I met James and Beth Wilkerson during the second year of my four-year tour at (b) (6) James followed me as the (b) (6) Fighter Wing Chief of Safety and the (b) (6) Fighter Squadron Director of Operations and we flew together several times. In addition, the Wilkersons were our neighbors in (b) (6) for over three years and our families spent quite a bit of time together. I served extensively with James and can attest to his integrity, honor, and love of his family, country and the Air Force. In summary, I have met few officers as dedicated as Lt Col Wilkerson in over 21 years of service.

3. General, I have contemplated the charges against Lt Col Wilkerson for a long time and all of my life experience refutes the outcome of this case. I have conversed with James, carefully read reports and discussed the proceedings at length with observers of the trial and can only conclude James was wrongfully accused. The fact that there was no physical evidence, that his accuser attempted to withdraw charges several times and that critical testimony was not allowed all conspire against the verdict. Many times during the trial the prosecution urged the jury to "protect the image of the Air Force" as a reason to convict Lt Col Wilkerson yet I cannot find this anywhere in my oath of office or in the Constitution of the United States. As a result, I have concluded the verdict will be overturned sometime in the near future.

4. Sir, as a result of my convictions I am asking you for clemency in the case of Lt Col James Wilkerson and his family. Because I believe him to be innocent of the charges and feel it is only a matter of time before the verdict of the case is overturned, I am requesting early release from imprisonment and that his forfeitures be waived for the benefit of his family. Both will allow James to better prepare for re-trial by being physically with his family and legal counsel in the United States. Sir, I thank you for your time and consideration for clemency in this very difficult case.

(b) (6)

(b) (6) Colonel, USAF

(b) (6)



DEPARTMENT OF THE AIR FORCE
31ST FIGHTER WING (USAFE)

10 Dec 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b) (6)

SUBJECT: Request for New Trial and/or Clemency – Lt Col James Wilkerson

Lieutenant General Franklin,

Sir, my name is Lieutenant Colonel (b) (6) and I currently serve as (b) (6) (b) (6) Aviano Air Base. I am writing to respectfully request you grant Lt Col James Wilkerson a new trial for the alleged offense of which he was recently found guilty.

After arriving at Aviano this summer I was shocked to learn of the allegations of aggravated sexual assault levied against Lt Col Wilkerson. I had not known him extensively, but had gained immense respect for him following our (b) (6) change of command in the summer of 2011. The squadron I took was one that had been led well by my predecessor, Lt Col Wilkerson. The Airmen were superbly prepared for combat and had been dangerously close to “going north” following North Korea’s shelling of Yeonpyeong island. Fortunately, during the crisis the Air Force had a combat tested leader adept at guiding Airmen through tough challenges. In his prior assignment, while Director of Operations at Shaw, Captains who served under him attested his leadership was essential to keeping their squadron focused on combat preparations following a fatal aircraft mishap. For these reasons, even though I had no prior acquaintance with Lt Col Wilkerson prior to our change of command, I value him as a mentor, and still keep extensive notes on his leadership philosophy and practical ideas. I cherish these notes and will keep them in my professional “bag of tricks” for years to come.

Despite the troubling allegations, I had faith that the legal process would reveal a just outcome. Sir, I regret to convey that my faith in that process no longer remains, by the fact that Lt Col Wilkerson did not receive a fair trial. I witnessed a substantial portion of it, and can say emphatically that by no measure was the Constitutional standard of “beyond reasonable doubt” met by the prosecution. In a case characterized by an utter lack of physical evidence, the panel members determined their verdict after judging the merits of testimony alone. Given the weight and importance of testimony in this case, it is remarkable the judge did not allow the panel members to hear testimony given by an Air Force General Officer assailing the veracity of the accuser. Also, how is it—given the current command climate and the proper emphasis on combating sexual assaults—the judge allowed the prosecuting attorney to advise the panel members that “it was their duty” to find Lt Col Wilkerson guilty of all charges?

LtCol James Wilkerson is an officer of incredible capabilities, but he is also a father and husband who faces the daunting task of piecing his life back together. He must find employment so he can provide for his wife and son. Under the law, he is now a felon and sex offender...finding employment is no small challenge. Should you elect to not grant him a new trial, I request you be mindful of his exemplary service to his nation and allow him to retire with benefits, and commute his sentence to time already served so that he may begin to seek employment. Thank you for your time and careful consideration.

Very Respectfully,

(b) (6)

(b) (6) Lt Col, USAF

(b) (6)
Aviano Air Base, Italy

“Return With Honor”

General Franklin,

Sir, I write to you today to ask for clemency for my friend, Lt Col Jay "Roscoe" Wilkerson. I greatly desired to be present at his court-martial but was unable due to being deployed to Afghanistan. While I wasn't there, I did have several close friends who were able to make it to Aviano and from discussing the proceedings with them, I understand that one of few things that was proven in the case was that Lt Col Wilkerson was present during the burning of a couch. I didn't realize that such attention would be placed on this single issue but from what I'm told it was a major factor in the portrayal of Lt Col Wilkerson being an out of control officer. I write this short letter to explain the events of that evening.

Last summer, June-September 2011, I had the great opportunity to lead my squadron during combat operations over Libya in support of Operation UNIFIED PROTECTOR. While not much was mentioned about our efforts, accomplishments or our mere presence in the Operation; we made heavy impacts on the outcome and success of the Campaign. We were shot at on every sortie, we knowingly went into active SA-2/3/6 threat to destroy key nodes of the IADs, and most sorties had an ASD between 8-10 hours in length (a pond crossing every third day). To put it simply, it was incredible to be a part of and like no other experience I've had in my service to our Nation.

We routinely had one day off per month to allow us, both ops and maintenance, to catch our breath. These down days were the only opportunity that we had to get together as an entire squadron due to the continuous 24-hr operations. Whenever we had these down days, we took advantage of them, blew off steam, had role calls and were able to celebrate each other's accomplishments / share fighter pilot stories.

On one of these down days, we had a role call in the courtyard behind the Triple Nickel Fighter Squadron. At one point the idea came up to burn a piano...a fighter pilot tradition dating back to WWII. We didn't have a piano but we did have a couch that I owned that I had left at Aviano when my family and I PCS'd back to the States. My squadron and I burnt the couch. This wasn't intended in a malice or destructive manner but rather as morale, warriorship, and fighter pilot heritage. I'll be the first to tell you that to someone looking in from the outside, it doesn't make a whole lot of sense. However, to the guys and gals that were putting it on the line each and every day, 6000ft line abreast overhead Tripoli, it was awesome. It was 100% my responsibility. We called it in ahead of time so that security forces wouldn't get caught off guard by our actions but they responded nonetheless. Roscoe was simply trying to diffuse the situation. Sir, again, it was 100% my doing and I am responsible. As I understand, this was a major factor in the outcome of the court-martial, illustrating that he was a wild and out of control officer. In the end Sir, he wasn't out of control, he was just trying to look out for a friend...me. If anyone is to blame, it is me as I was the one that allowed it to happen.

As to the court-martial itself, as I stated earlier, I was unfortunately unable to be there. However, from what I've read in the news media and heard from friends who were there, I cannot see how Roscoe was proven guilty. I had the pleasure to write affidavits about Roscoe, both his outstanding military character and his truthfulness. My intention was that once the members had the opportunity to read these letters, they would get to know Roscoe, as I have, and it would show them that he wasn't capable of committing an act like this. I've come to learn, however, that one of my letters was disallowed by the Court. This is of great concern to me because if the members were unable to get a full picture of who Roscoe was/is, how were they able to judge him accordingly?

Additionally, it doesn't make sense nor can I understand why the Court wouldn't let a letter written by a squadron commander in the U.S. Air Force to be allowed in the proceedings.

Sir, I strongly feel that Lt Col Wilkerson's past actions were purposefully mischaracterized to make him seem like an out of control officer who would be capable of committing such an act. In fact, nothing could be further from the truth. He is someone who loves his family, his friends, and the Air Force and would never commit such an act. I feel, had I been there, I would have at least been able to set the record straight on the couch burning incident and make the members realize that Roscoe was there, not as an instigator, but rather as someone trying to ensure the safety of all those involved. I ask that you take this information into account when you are making a clemency decision about his future.

Very Respectfully,

(b) (6)

(b) (6)

(b) (6)

Kandahar AB, Afghanistan

22 November 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL Exemption 6

SUBJECT: Clemency Request – Lt Col James Wilkerson

I currently serve as Exemption 6 and have held that position for seven months. I have completed several F-16 assignments throughout my sixteen and a half year career to include Spangdahlem, two trips to Kunsan, and two assignments to Luke. I've held various positions at the squadron, group, and wing level including Exemption 6 (b)(6) have flown nearly 200 combat hours.

I first met Lt Col Wilkerson at Kunsan AB, Korea in the summer of 2010. After residing in Binjo Heights for a month, we were moved to a dorm due to renovation. "Roscoe" and I lived right next to each other and began a strong relationship both professionally and socially. As Exemption 6 I flew with his squadron, the 80th Fighter Squadron two to three times per week. I observed nothing but class, competence, capability, and approachability out of Juvat Lead during that year. It was obvious the wing leadership went to the same squadron every time an important situation arose on the Peninsula, and there were many during 2010. This was primarily due to the squadron commander, Lt Col Wilkerson. The morale and competence of the 80th was never higher.

I also spent untold hours with Roscoe socially. We went to the gym every morning before work. I was in his room or he was in my room every night after work. All weekends were spent on bikes, running, or downtown Gungsan or A-Town. At no time did I EVER see or hear of any behavior that was anything but that of an officer and gentleman. As those that have been to Kunsan know, and Sir as the former Deputy OG at Kunsan I'm sure you are aware of what others can do, there is ample opportunity to "play", but I never observed that from Roscoe. He was loyal to Beth and Exemption 6 the entire year. I know of several occasions in which he used non-judicial punishment on his Airmen, but each time it was fair. He did not cave to continuous requests by Capt Wentzel (who wrote a derogatory letter for the court martial) and his wife to promote him to Flight Commander. Roscoe knew the squadron did not respect Capt Wentzel, and he was not going to put a below average officer in a position of leadership in his squadron.

I want to bring to your attention something that truly bothered me which came out during the court-martial. The 'bathroom stall' incident (which other than not enforcing seat-belt rules in Col Ostovitch's car and observing the 77th Fighter Squadron burn a couch at the conclusion of the Libya Conflict was the only blemish on his character) was taken out of context in this case. Again as you know, our heritage room was a building almost a mile from the dorms that had no air conditioning, no heat, no insulation and running water was sporadic at best. There was also only one restroom approximately 4 ft by 8 ft that was rarely used. During a naming (a night when no wives were invited to Bruni's) Roscoe looked over the stall to see if anyone was using it after knocking on the stall door to no answer. After looking over the stall and seeing Capt Wentzel's wife, he apologized and went on about the evening, never again hearing of this

incident. She could have and should have locked the outside door. This accident is the biggest character flaw presented by the prosecution during five days of arguments. I hope that after 20+ years of faithful service, this would be the worst thing anyone could say about me, I committed a mistake.

Sir, based on the facts of this case which you have now been made aware, I ask you for a reversal of Lt Col Wilkerson's conviction. The plaintiff's story changed numerous times, each with less accuracy and confidence than the previous. Roscoe and Beth did not waiver in their recount of the evening. There was very important testimony (not seen by the jury) by a female brigadier general that solidified the fact that Exemption is (b) (6) and (b) (6) (b) (6). The general even went as far as identifying Ms Exemptas (b) (6) which the prosecution then twisted later in closing arguments. The inability of the defense to attack her character (like his was all week for meaningless things) may be the way the system works, but common sense sees the one-sidedness. At the very least, he deserves a fair trial. As a fighter pilot yourself Sir, it is no secret there is strife between pilots and the rest of the Air Force. Three of the five jury members were not line officers and were of the same career field as the accuser. There wasn't a single pilot, fighter or heavy, on the jury. The absence of a female jury member is also very important. As has been shown many times throughout legal proceedings, female jurors have an intuition about other females that male jurors do not possess. If a reversal is not possible, I ask that Lt Col Wilkerson be retried by a jury of his peers. The closing arguments of the prosecution kept demanding the jurors "do their duty to stop letting the Air Force get away with this." Roscoe does not deserve to be the sacrificial lamb for the wrong-doings of the Air Force. An innocent officer, warrior, husband, and father is sitting in jail.

Exemption 6

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL [Exemption 6]

SUBJECT: Clemency request for Lt Col James Wilkerson

1. The purpose of this memorandum is to request clemency on behalf of Lt Col James Wilkerson. I have served in the Air Force for over 20 years and am currently the [Exemption 6]. During my time of active duty service, my 4 years at the Air Force Academy, my 4 tours flying F-15Cs, and my deployment to Afghanistan flying MC-12s, I have seen plenty of behavior one could classify as sexual indecency. But never once did I see that behavior exhibited by Lt Col Wilkerson.
2. I have known Lt Col Wilkerson since the summer of 2005 when we both attended AFIT for IDE. We had the pleasure of truly becoming friends when we were both assigned to Izmir, Turkey, to work on a NATO staff. We lived in the same apartment building and had dinner together almost every night for a year as it was an unaccompanied remote tour. I have seen him at work, in a social environment in multiple countries, and in his own apartment. I cannot stress this strongly enough...even when he was drinking, he always, always maintained appropriate behavior as an officer and a gentlemen. So much so that I aspired to be more like Lt Col Wilkerson both at work and in my private life.
3. I was bitterly disappointed in the jury's decision during Lt Col Wilkerson's trial; however, I realize we are beyond that point. I ask you to consider Lt Col Wilkerson's blemish-free service to his country for almost 21 years, his true devotion to his wife and son, and the sacrifices he made in the Air Force when considering your decision on clemency. To see him go from one of the top 3 candidates for Thunderbird 1 and the squadron commander of the 80FS in Korea to a prisoner is horrific.
4. I respectfully request you set aside the forfeitures of pay and benefits for his family, specifically his son [Exe], as they have done nothing wrong but will suffer greatly from this event. Additionally, I request that you lower his confinement sentence and let him and his family begin the healing process together. Keeping them apart does nothing but make this recovery process harder for all involved.
5. Thank you for your consideration. If you wish to discuss any of my interactions with Lt Col Wilkerson, feel free to contact me DSN [Exemption 6] or at [Exemption 6]

[Exemption 6]

MEMORANDUM FOR The Convening Authority

FROM: Exemption 6

SUBJECT: Letter in Support of Clemency for Lt Col James Wilkerson

1. My name is (b)(6) and I am a retired Air Force Lieutenant Colonel with 26 years of Active Duty Air Force service. I am a Command Pilot with over 2000 hours in the F-16 and 500 hours in the F-4. I am currently Exemption 6

Exemption 6 Exemption 6

Exemption or three and a half of the last five years since my retirement from active duty.

2. My wife and I maintain our primary residence in Northern Italy, approximately 15 minutes from Aviano Air Base. There, we keep close ties with the Air Force community and are engaged in U.S./Italian relations. We actively support the 31st Fighter Wing with its community relations across a broad spectrum of events. We came to know the Wilkersons when I was on an extended sabbatical from my work in Afghanistan. We met through a mutual friend, and immediately struck up a lasting friendship with the Wilkersons. I have known Lt Col Wilkerson and his family since July of 2011, yet I feel as if I have known them all of my life. I just returned to my work in Afghanistan 3 weeks ago, so I have had the privilege of regular contact with Lt Col Wilkerson for approximately one and a half years. Our association was largely of a social nature. We both share a love of the outdoors, grilling BBQ, golf, and dining at the local restaurants. I enjoyed the company of Lt Col Wilkerson and his family a minimum of three times per week, and often times, more.


3. I'd like to share my perspective on Lt Col Wilkerson's character and morals with you. In my time with the Wilkersons, I observed time and again that he is a loving father to his son, Exe and a caring, loving, and faithful husband to Beth. He makes it a point to attend all of his son's sporting events, which are quite numerous. In social settings, Lt Col Wilkerson dotes over his wife and attends to her every need. I have always found Lt Col Wilkerson to display high morals and sound character, no matter what the setting. Additionally, Lt Col Wilkerson is a world class athlete, having won the World Endurance Swimming Championship and numerous other titles. One does not rise to this level without a high degree of demonstrated moral fiber and self discipline. As further testament to Lt Col Wilkerson's character, he has dedicated himself to the well being of an Air Force widow and her children who live in our area. Her name is Cheryl Pone, and her husband Colonel Adrian "Kermit" Pone was tragically killed in a motor vehicle accident in Italy several years ago. Lt Col Wilkerson sought every opportunity to mentor Exemption 6 and provide an American male presence for them as they reside overseas. He taught them to throw a baseball and football, and was quick to give them nice gifts on birthdays and special occasions. He also allowed them to sleep over with his son on numerous occasions. He went so far as to erect a tent in his yard for the kids. He also helps Cheryl all he can. Last year he fried a Thanksgiving turkey for her, her family, and her house guests. These are but a few of the examples I can give which demonstrate Lt Col Wilkerson's goodness as a person, his concern for the welfare of others, and his commitment to his family.

4. I write you these things in the hope that you will find it to be the humane thing to do to grant all possible clemency to Lt Col Wilkerson. I would stake my life on his innocence and I firmly believe that it was impossible for him to receive a fair trial in the current climate of

sexual misdeeds that the Air Force has regrettably experienced. You no doubt are aware of the legal facts surrounding this case. You know that there were no pilots on the court-martial panel, even though we are an "Air Force." Most board members were from the accuser's peer group. Additionally, the accuser herself, was found to be unsure of many events surrounding the situation. She also misstated facts and changed her testimony on numerous occasions. The totality of this should have given an impartial board no other decision but to acquit. Having said that, I deeply feel that the punishment did not fit the supposed crime. It was serious overkill. I respectfully implore you to provide another venue for Lt Col Wilkerson to prove his innocence. Barring that, I would ask that you demonstrate all possible compassion to Lt Col Wilkerson and his family. Make no mistake about it, this fine American family has suffered to no end and continues to do so. Please permit this Air Force combat veteran to retire honorably and retain the retirement he has earned so that he may support his family as they pick up the pieces. Release him as soon as possible so that Jay, Beth, and Exe may be reunited. You have my sincere gratitude for reading my letter and for providing all possible consideration to my requests.

VR,

Exemption 6



27 November 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL [Redacted] Exemption 6

SUBJECT: Clemency Request – Lt Col James Wilkerson

I was stationed with Lt Col James “Roscoe” Wilkerson at Misawa AB, Japan in the 2002-2003 timeframe before he PCS’ed. Roscoe was an ADO and stand up officer in the 13th FS. Since then, I’ve only seen Lt Col Wilkerson two or three times and traded emails a dozen times. I have followed his career though and know he’s done well.

I was shocked when I heard of the accusations made against Roscoe. However, as I learned more of the details, I was 100% confident he’d be found innocent. Even Roscoe’s attorney told him he’d never seen a case with so little evidence go to trial. Yet, what really convinced me of Lt Col Wilkerson’s innocence was his wife’s role in the alleged incident. Beth has always come across to me as a wife that doesn’t take crap from Roscoe. If he didn’t treat her with the respect she felt she deserved, she’d let him know about it. I know for sure, she would NOT stand by Roscoe’s side, if he cheated on her. Beth’s pride is way bigger than any retirement benefit Roscoe would bring her and [Redacted] Exemption 6 motion

From the firsthand accounts I’ve heard of the trial, it was kangaroo court from the start. I’m embarrassed to wear the uniform when I heard how the Air Force prosecuted this case. The accuser (b) (6) [Redacted] yet in every way her character was protected during the proceedings while the littlest scar on Lt Col Wilkerson’s was twisted and spun to paint a picture of a disgusting, arrogant person. Specifically, the judge dismissed the jury from the courtroom for one unexplainable legal reason or another to prevent them from hearing certain testimony that would draw serious questions to the legitimacy of this woman’s accusation. I guess this was no surprise, since the Air Force Chief Prosecutor totally dominated the courtroom and bullied the judge and jury. He essentially put Roscoe on trial for the sexual assault issues of the Air Force, recently made public. He constantly reminded the jury that the Air Force needed to put an end to these assaults and the Air Force could not accept another black eye. How about the truth in this case? How about the evidence in this case? Why is it that OSI paid so little attention to doing their duties until Sec Panetta issued his initiative for DoD to combat sexual assault more aggressively? This was not a fair trial and it smells like the Air Force Chief Prosecutor came to Aviano with his marching orders to get to a guilty verdict any way possible.

Roscoe did not get a fair trial. Even the media coverage was ridiculously one-sided. The Stars and Stripes reporter sat directly behind the prosecutor the entire trial and constantly conversed with the prosecutor as the proceedings occurred. Of course, the prosecutor took this opportunity to shape the media environment in his client’s favor. The coverage has been incredibly biased. I assume the jury was sequestered, but there is no way to have shielded them from the constant sexual assault commercials on AFN.

I could go on, but I assume you have read the facts and details of the case. I request you consider reversing Roscoe's conviction, and if not that, then have him retried in front of a jury of his peers in the States. The Air Force's sexual assault problems have been embarrassing for the service, my service, but Lt Col Wilkerson cannot be made a scapegoat. It will fix nothing.

Exemption 6



MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: Lt Col [Exemption 6]

SUBJECT: Lt Col Jay Wilkerson Clemency Request

My name is Lt Col [Exemption 6]. I currently serve as the [Exemption 6]
[Exemption 6]. My previous duty was as [Exemption 6]
[Exemption 6].
Exe My experience includes a [Exemption 6]
[Exemption 6] a [Exemption 6]
[Exempt] multiple squadron and group level positions, and served as [Exemption 6]
for the [Exemption 6]. I
have 2400 F-16 hours, with over 200 hours of combat time in OPERATIONs Desert Fox,
Southern Watch, Northern Watch, and Iraqi Freedom.

I met Lt Col Jay "Roscoe" Wilkerson in August 2000 when I arrived at Misawa AB,
Japan. Me, Jay, and now Lt Col [Exemption 6] all arrived at around same time and
immediately starting hanging out together as the 'new guys'. As three married couples
with no kids our families immediately hit it off. During my two years at Misawa I saw
Jay almost every day at work and our families would socialize at least once every
weekend if not more. During our two years, I was the [Exemption 6]
[Exemption 6] while Roscoe was a shop chief, Flight Commander, and then Assistant
Director of Operations. I lived next door to Lt Col Wilkerson for 4 months while we
were deployed to Operation Northern Watch and interacted with him socially on a daily
basis. Since leaving Misawa I have visited Jay and Beth during their assignments to
Luke and Shaw.

Being a B-52 'retread' Roscoe had the unenviable task of being older in rank but young
in the jet. His ability, maturity and natural leadership allowed him to quickly gain the
respect of everyone in the squadron, which culminated in him being chosen to become an
instructor pilot after his first F-16 assignment. As a young [Exemption 6] I
would look to Lt Col Wilkerson for mentorship. He always knew what to say whether I
needed to tighten something up, chill out a little, or keep doing what I was doing. I think
it says a lot of Roscoe's character that a young full throttle [Exemption 6] could look
to a young in the F-16 Captain wingman for advice. My family's mentorship was not
solely from Jay. Beth Wilkerson is a saint. If a Lieutenant didn't have a place to eat on
Thanksgiving, he would always be invited to the Wilkerson's. Feeling a little homesick?
Beth was always there with a nice home cooked meal and a place to relax and talk. In all
of my experiences with Jay and Beth, I would consider them extremely nice, considerate,
respectful, and great friends. If they have a fault at all it is being too nice.

When I heard of Lt Col Wilkerson's verdict I was shocked. Knowing Jay and Beth, even
though the jury found him guilty, I will never believe he did it, it is just too implausible.
When I heard the sentence I was heartbroken. Heartbroken from the damage that one
alleged incident will cause to not just the Jay, but Beth and [Exe] and all their extended

family. How does a man spend time in prison, forfeit pay, be dismissed from the Air Force based on one woman's word and no physical or corroborating evidence? Especially when disputed by the word of a 20+ year Air Force officer and his pillar of the community wife. Sir, I know it may be difficult for you to reverse the verdict but please at least suspend Lt Col Wilkerson's forfeitures and immediately release him from confinement. I believe this is only the start of righting the injustice that has been done to him and his family.

Exemption 6



TO: THE CONVENING AUTHORITY

1. My name is Exemption 6. I am a retired Air Force Lt Col currently employed at Exemption 6. I am writing this letter on behalf of my friend Lt Col Wilkerson. I served in the Air Force in many positions to include Exemption 6 flying in the F-16 for over 3900 hours. I have been awarded various decorations for my accomplishments, to include: Meritorious Service Medals, Air Medals, Air Force Commendation Medals, AF Outstanding Unit Award with Valor Device, Combat Readiness Medals, National Defense Service Medal with service, Southwest Asia Service Medal with silver stars, Global War on Terrorism Service Medal, AF Overseas Ribbon, AF Longevity Service, AF Training Ribbon, Kuwait Liberation Medal, Kuwait Liberation Medal, Southwest Asia Service Medal, and more.

2. I have known Lt Col Wilkerson for over 14 years and have had routine contact with him both professionally and personally. I first met Lt Col James H. Wilkerson in 1998 while we were both stationed at Luke AFB and then crossed paths a few years later in the 61FS again at Luke AFB. I was his Exemption 6 and friend. Lt Col Wilkerson's duties during this time included student, Flight Commander, Assistant Director of Operations and others. Additionally, I had frequent social contacts with him during squadron social events, temporary duties and multiple recreational hunting trips. I was able to closely observe Lt Col Wilkerson's interaction with his superiors, peers, subordinates, and civilians in and out of the workplace and in numerous non-duty informal settings.

3. Lt Col Wilkerson "Roscoe" is one of the finest individuals I have had the pleasure to run across in my Air Force career and I am proud to call him my friend. I believe that I have a complete understanding of both his "on and off duty" personality and character. I have been on numerous TDY's with him where you can see the true character of any fighter pilot. He is an amazing family man and an example for all of us to follow. I have heard the details and am convinced that because of the Wilkerson's incredible "Southern Hospitality" that Roscoe and Beth were in the "wrong place at the wrong time". Sir, I put my "patch" and reputation on the line for them and plead that they get another look. I think we owe this to this dedicated Air Force family to prevent this tragedy from continuing.

4. I know that Lt Col Wilkerson is only asking that his forfeitures be waived to Beth for the benefit of Exe his wife and son. He is also asking for a reduction in confinement so that he can see his family sooner. This is just another example of his amazing character. I am asking that the trial be declared a mistrial and that he get another look to present all of the evidence and witnesses for his defense. Specifically, I cannot comprehend how a Brig Gen's opinion of the accuser as (b) (6) was not permitted to be presented to the jury. I am convinced had they known just this one additional fact, I would not have to write this letter to you. Sir, please give the Wilkerson's another chance.

Very Respectfully,
Exemption 6

29 November 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: Exemption 6

SUBJECT: Clemency for Lt Col James H. Wilkerson

1. I am Lt Col Exemption 6 and I am the Exemption 6 Exem Exemption 6

I have served principally in flying assignments throughout my 17 year career which included combat operations in Iraq and Kosovo. My staff assignments include one tour serving in both Exemption 6 Exemption 6

2. Lt Col Jay Wilkerson is both a colleague and friend. I first met him when he arrived at Aviano a year and a half ago. At the time, I was the Exemption 6 I worked on a near-daily basis with him while he held positions as Deputy Operations Group Commander and as the Inspector General. Additionally, I became fast friends with Lt Col Wilkerson and his family immediately after his arrival at Aviano. I heard very positive things about him from peers, subordinates, and supervisors alike prior to his arrival. My experience since his arrival has been completely consistent.

3. Lt Col Wilkerson is an excellent officer, husband, father, and friend. Following his arrival to Aviano, he immediately jumped into the series of base-wide exercises we were engaged in as preparation for our planned Operational Readiness Inspection. As the night OG/CC during our around-the-clock operations, he would stay late into the morning to work with me. He developed creative ideas as well as reached back to previous bases to better refine our wing processes and overall combat capability. As XP, charged with preparing the wing for inspections, it was fantastic to have someone so willing to focus his time and energy on the betterment of the organization. This dedication did not waiver in his selection for duty as the Inspector General and the transformation of the position. Changing the concept and execution of the wing IG was no small task and one that garnered significant visibility as a benchmark concept for the Air Force. For Lt Col Wilkerson to perform so well, while effectively executing the job as he molded it, was both impressive and crucial to our wing's preparation for this year's Combined Unit Inspection. Lt Col Wilkerson is a family man. As my wife and I have been family planning, he has been a tremendous example, friend, and mentor in discussing the joys and challenges of parenthood. One very poignant memory for me happened very early in our friendship in a conversation we had in which he confided in me the story of the immense trials and tribulations he and Beth went through leading up to the birth of their wonderful little boy, Exe. The heartbreaking problems they faced were tough to hear, but were wiped away in his story of his "magic" son and the happiness he brought to their family. He treats his bride and his son as if they are both "magic." He dotes on Beth in every situation and dedicates his precious free time to Exe whether it be teaching him to ski or working with him on baseball or swimming. He and Beth are tremendous parents. It is a joy to watch them together as they skillfully raise Exe. They always seem to know just the right action or approach. It is no surprise that Exe is such a courteous, caring, and strong young boy.

4. I sat in the courtroom for several portions of the trial. I have tremendous respect for our court system and I have had the opportunity to fulfill my duty in serving as a panel member. In all cases where I have worked with our legal professionals, both previously and as a commander, I have been impressed with the

professionalism and even-handedness of our people and our process. What I saw here was a marked deviation from that standard.

5. It began with the lead prosecutor's treatment of one of my personnel in the pre-trial phase. My subordinate phoned me and relayed that he was answering the colonel's questions; however, the prosecutor did not seem to like his answers and was disparaging him. When I spoke to the prosecutor and asked if there were any issues, he described my subordinate as the "worst officer he had ever seen." When I asked him what was wrong he simply relayed that my subordinate, a major, was "a punk." My subordinate (an outstanding officer), very professionally, did not react to these unprofessional comments. I was proud of my subordinate, but not of the actions of the senior prosecutor. Unfortunately, what I saw in the courtroom was not better. A character assassination of Lt Col Wilkerson was the principle tactic for much of the trial. I can understand the concept of tactics in the legal setting. However, I was somewhat incredulous watching the facts of unrelated events be twisted in an attempt to create an inaccurate picture of him. One example was the discussion of a couch burning incident. I was present at this event. Lt Col Wilkerson's actual role in the event was to attempt to ensure it was done properly. Once he saw what was happening, he polled the senior officers there to ensure someone had pre-coordinated the event with the fire department. As it hadn't, he took it upon himself to review the safety measures in place (all solid) and call both the fire department and security forces to let them know of the event and to confirm that it was a supervised event with proper precautions. This was not what was portrayed in the courtroom. Based on what I know from second hand information, the other events used to misrepresent Lt Col Wilkerson were twisted in the same manner. I will attempt to restrict my opinions as much as possible; however, I feel compelled to say that what was admitted and not admitted in this case deserves significant review. To prevent the jury from seeing specific testimony from a flag officer with first hand insight into the previous issues this alleged victim has had on the stand, is difficult to justify. Add to that specific character references on Lt Col Wilkerson's behalf that were not admitted, it simply did not pass the logic test to me. This is especially notable when the prosecution made it clear that this case was about character and went to great lengths to portray Lt Col Wilkerson's character in a negative light. I am not a legal expert. As such, I spoke with military and civilian lawyers not associated with the case or base to relay what I saw in the courtroom and ask their opinion. None agreed with what happened from a procedural standpoint. From the pre-trial through the steps within the trial, the objective did not seem to be focused on finding the truth. This is not what I have experienced previously with the Air Force system of justice and it was disappointing to witness.

6. Based on my personal interactions and knowledge of Lt Col Wilkerson and his family, plus what I saw in the court-martial itself, I would like to ask you to consider clemency for Lt Col Wilkerson. I will say plainly that I do not believe he is guilty of this offense. More pertinent to this court-martial, I did not see a case made that would prove him guilty beyond a reasonable doubt. As such, I believe he should be cleared or re-tried. At a minimum, consider reducing his period of confinement. Beth and Exe are strong, but are hurting tremendously under the weight of this challenge. I have personally dried her tears and held Exe in my arms as he tries to comprehend this at his young age. Jay's principal focus is always the care of his family. The sooner he can rejoin them to work through this very difficult time, the sooner they can begin to put the shattered pieces of their lives back together.

//SIGNED//

Exemption 6

19 November 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: Lt Colonel Exemption 6 (USAF Retired)
Exemption 6

SUBJECT: Letter of Clemency for Lt Col Wilkerson

1. I respectfully request clemency for my fellow officer, warrior, and friend Lt Colonel James Wilkerson. I served as an officer and fighter pilot for 21 years in the Air Force. Several of those years with Lt Col Wilkerson in the 61FS at Luke AFB, AZ where we earned Exemption 6
Exemption 6
Exemption 6

2. I worked with Lt Colonel Wilkerson on a daily basis in the 61FS Luke AFB, AZ when he went through our instructor upgrade course and later as squadron mate. As an Exemption 6 I worked closely with the commander to ensure that we were able to keep Lt Colonel Wilkerson in our squadron following his class graduation. He was absolutely our number one choice and he did not let us down. Lt Colonel Wilkerson became our "go to" guy for running our daily operations, working with under-performing students, and planning our deployments. We chose him as our Field Grade Officer of the Quarter. (b)(6)
(b)(6) With Lt Colonel Wilkerson's leadership, enthusiasm, and warrior spirit we achieved the trifecta and won the wing crud tournament for good measure. Men like Lt Colonel Wilkerson lead from the front. Lt Colonel Wilkerson made my squadron better. Lt Colonel Wilkerson made my squadron the best.

3. Lt Colonel "Roscoe" Wilkerson is the guy that I have always said I was happy to see get promoted. It just felt right. He had that unbeatable combination of leadership, enthusiasm, athleticism, and flying ability. I thought it in the best interests of the country for him to be seemingly climbing the ladder to general officer. I cannot think of one person in my 21 year career that I think more highly of. He makes everyone around him want to be better. Roscoe has made me a better officer, pilot, athlete, and person. I am deeply hurt by his conviction. I know it is a great loss to the Air Force and country I love.

4. Lt Colonel Wilkerson is in jail. Taking a true leader out of command and tearing him away from his people is punishment. Lt Colonel Wilkerson has spent over 20 years dutifully leading his people and caring for them. Family and friends are all Lt Colonel Wilkerson has left. His family needs him. Serving time in jail serves no one. Lt Colonel Wilkerson is not a threat. He needs his freedom to begin rebuilding

his life immediately. He needs his family and friends and we need him. Please grant clemency to my friend, Lt Col Wilkerson.

//SIGNED//
(b)(6)

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29 November 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL (b)(6)

SUBJECT: Request for Clemency – Lt Col James Wilkerson

1. Thank you for considering my thoughts regarding a request for clemency on behalf of Lt Col James Wilkerson. As a 19 year Air Force veteran, I am also a friend and former co-worker of Lt Col Wilkerson. My varied Air Force career includes qualifications as an Intelligence Officer and RC-135 Navigator prior to attending pilot training. As a pilot, I had three F-16 assignments and one MQ-1/9 assignment. I have flown combat and combat support sorties in Bosnia, Iraq and Afghanistan, receiving four Air Medals and 14 Aerial Achievement medals along the way. In 2010 I had the pleasure of serving as the (b)(6) alongside Lt Col Wilkerson during his tenure as 77 FS/DO. Most recently I have been a member (b)(6) assigned to Shaw AFB, but with multiple deployments to the CENTCOM AOR and one deployment to NATO CAOC 5 in support of Operation Unified Protector (OUP). My AOC experience includes (b)(6) during the capture of Muammar Gaddafi and (b)(6) during the raid that killed Osama bin Laden. As I write this, I am currently deployed as (b)(6)

2. I first met Jay in 2007 when my wife and I were house hunting in Sumter, SC. We were looking at a house in their neighborhood and received a friendly welcome from the Wilkersons. Over the next three years I worked closely with Jay and enjoyed an additional year of close friendship with his wife Beth and son (b)(6) as he served his year in Korea. Working with Jay was an absolute pleasure. He struck the perfect balance between getting the mission done and taking care of his people. At all times he fostered an environment open to good ideas and inputs, while maintaining the professionalism necessary for good order and discipline. After a stint as the (b)(6) I asked to be reassigned to the 77 FS in order to deploy for the squadron's final Operation Iraqi Freedom rotation. Though I was selected to be the (b)(6) prior to the deployment and did not travel with the squadron, I got to know Jay even better as the 77 FS attended spin-up training at Hill AFB and Nellis AFB during his Operations Officer tenure. I have no doubt that he is an exceptional Air Force leader and I would gladly serve with or under him again.

3. In addition to our work relationship, my wife and I maintained an active social relationship with the Wilkersons. It was not uncommon for us to pop-in on a Saturday morning bike ride, meet for dinner, or just have an un-planned weekend gathering when our schedules were free. On one occasion we attended a Saturday afternoon beer-tasting in Columbia, SC, with Beth acting as our designated driver. We returned to their house for dinner, then stayed the night at their house to ensure neither my wife nor I drove irresponsibly. We were invited to their family beach house, but have not yet found a compatible date on our schedules. Sir, I can tell you with full confidence that I would never hesitate to spend a night in their home. More importantly, I would never be concerned about my wife spending the night in their home without me.

4. Though I have not been able to review the transcript of his trial, I have heard that the prosecution used the burning of a couch as evidence for Jay's low moral character. Not only am I appalled that this completely unrelated event was used to impugn his character, I am also shocked at how it appears to have been blatantly misrepresented. I cannot fathom how this was allowed to support sexual assault charges. I wish I could have testified and educated the jury about the significance and frequency of this type of combat aviator tradition, but I did not even know to volunteer. I'm interested to read the testimony to see how this was used against Jay and how following an Air Force tradition was used against someone to call them a sexual predator.

5. I remember hearing early in my career that our service is "not a one mistake Air Force." Whether it is reality or my perception, the Air Force truly seemed to give people a second chance during the late nineties and early two-thousands. I know that the recent sexual assault problems at Lackland AFB and other locations have brought significant pressure upon all services, and ours in particular, to severely punish sexual predators. Given today's hyper-vigilant environment and assuming the most damning version of the alleged victim's story is true, the punishment received by Jay is egregious and excessive. To throw out 21 years of stellar service and sacrifice for allegations that have no physical evidence or corroborating witnesses seems anathema to basic constitutional rights. I would ask you to look at the facts and ask yourself if this case would have even been brought to trial in a civilian court of law. Jay's felony conviction makes him essentially equal to a violent rapist in the eyes of the civilian world. Do the facts of this case really support that stigma for the rest of his life? I submit to you that answer is a clear NO. Then, please critically examine the alleged victim's various versions of the night in question. How could so little evidence lead to a finding of guilty and then so severe a punishment?

6. In my mind, the fair thing to do is end this nightmare for the Wilkerson family and overturn Jay's conviction. I realize that may be a bridge too far, particularly in the current Air Force climate. If you do not feel comfortable with overturning his conviction, please grant him a new trial, so his attorneys can present his entire case to a jury of his peers and he can clear his good name. If that is still not possible for you to grant, at least overturn his dismissal and reduce his confinement to time-served, allowing him to retire with the dignity that his career warrants and return to his family so they can begin to recover from this nightmare.

7. In closing, I would like to illustrate my confidence in Jay's innocence. My wife is the most precious thing in my life, and I would trust her with him any time, under any circumstances. I do not believe there is any stronger way for me to express that my faith in Jay as an officer and human being is fully intact. Thank you for considering my thoughts.

(b)(6)



6 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b)(6) LTC, USAF, MC, FS

SUBJECT: REQUEST FOR CLEMENCY

1. I am the (b)(6) (b)(6) I currently have a staff of 26 under my direction. I was stationed with Lt Col Wilkerson at Kunsan AB, RoK. We both served as squadron commanders from the summer of 2010 until the summer of 2011.
2. I met Lt Col Wilkerson (Roscoe), Beth and (b)(6) during the PACAF Commander's Course at Hickam in the summer of 2010, along with several other squadron commanders assigned to the 8FW. Our families participated in the social events associated with that course. During the year we were assigned to Kunsan, we had a fairly close group of squadron commanders. Our relationship was mostly business, but as squadron commanders we did get together for cook-outs, etc. on several occasions and had the business social events to attend as well.
3. In my presence, Lt Col Wilkerson always conducted himself professionally and frequently spoke fondly of his family. I never saw him drunk or incapable of using good judgment. It was evident that he had worked hard in his career and it is no surprise that he was an O-6 select. He is a very intelligent man and a dedicated AF officer. I find it hard to believe that he would put his family and career in jeopardy.
4. My only knowledge of this case is the little that I read in the Stars and Stripes articles. Though the articles were fairly explicit in description of the event, there wasn't much detail about questioning of the alleged victim. I find it disturbing that all the jurors, judges, prosecutors and defense attorneys were male. I think it might be difficult for an all-male legal team, out of respect to the alleged victim, to ask pointed questions that might be perceived as indelicate. The description of the event I read seems implausible considering the alleged victim testified that she wasn't drunk. With this, I ask that you consider the dedicated service of not only Lt Col Wilkerson, but also his family over the preceding years and at the minimum, restore the forfeitures affecting his wife and child. Moreover, if his confinement could be reduced, I'm certain this would help his family through this difficult time. Ultimately I hope that there will be an appeal that clears Lt Col Wilkerson of this crime.

//SIGNED//
(b)(6)

(b)(6)

15 December 2012

Lieutenant General Craig Franklin
CONVENING AUTHORITY
James H. Wilkerson Court-Martial

General Franklin-

Sir, I am writing this letter on behalf of Lieutenant Colonel James "Roscoe" Wilkerson. It is my hope your review of his trial, sentencing, and clemency request will ultimately lead to Colonel Wilkerson's release from confinement and give him the ability to clear his name.

I have been on active duty for over 20 years. I am currently stationed at (b)(6) serving (b)(6) in this capacity I directly

(b)(6)

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(b)(6)

(b)(6)

(b)(6)

I have known Roscoe, Beth, and their son (b)(6) since moving to Shaw AFB in 2007. The Wilkerson's lived just down the street from my family and me, and we quickly became good friends. Colonel Wilkerson was the Chief of Safety at Shaw, and I was the new Inspector General. His advice, counsel, and friendship were key to my family getting settled in quickly. Roscoe and I quickly became close, as did our families. I watched Roscoe progress from Chief of Safety to Director of Operations for the 77th Fighter Squadron. I was attached to the 77 FS for flying, so I saw him at the squadron most days of the week and occasionally got to fly with him. He was a phenomenal DO, and the squadron raved about him. His leadership was the cornerstone of the 77 FS succeeding, both at home station and in combat. He became one of my closest personal friends, and the memories I have of the time our families spent together at Shaw AFB are cherished.

In June 2009 I left Shaw AFB for a 1-year remote assignment to Kunsan AFB. My wife and two children remained at Shaw while I was in Korea for the year. During this time Roscoe and Beth were devoted friends, and ensured my family was supported during my absence. Even though I was no longer in the 77 FS, Roscoe and Beth kept my wife in the spouse's social network, providing a much needed sense of family with me gone. They had my wife over to their house on many nights, helping her ease the stress of caring for 2 young boys as a de-facto single parent. Their friendship was second to none, and their compassion is something I will never forget.

Sir, the jury got this one wrong. I trust Colonel Wilkerson implicitly, and know the kind of person he is. My family is the most important thing in this world to me, and I would not hesitate to trust any of them to his care without a second thought. My children have spent numerous nights on sleep-overs with (b)(6) under Roscoe and Beth's supervision. The Wilkerson's are both caring, compassionate people, and never once did I worry about my children's safety or well-being. I have NEVER seen Colonel Wilkerson touch, act, or engage in any behavior, sexual or otherwise, I would consider inappropriate. I cannot stress this enough – I know this man and his character. He is simply not capable of the crime he is accused of committing.

Although I was not present in Italy for the proceedings, several of my friends were. Based on their statements, the accounts of the trial published in the media, and the statements made by Colonel Wilkerson's defense counsel after the trial, I find his conviction unimaginable. There was absolutely no physical evidence in this case. Colonel Wilkerson's wife's testimony corroborates his version of events. Colonel Wilkerson's accuser (b) (6) (b) (6) and (b) (6) This includes statements by Brigadier General Milligan that indicate the accuser had proven herself "untruthful," although based on the trial judge's ruling the jury did not get to hear this fact. This jury, predominantly made up of officers from the same career field as his accuser, and containing zero of Colonel Wilkerson's peers, convicted him purely based on his word versus hers. As a result, a good man was convicted on questionable evidence that does not support the concept of guilty "beyond a reasonable doubt." Colonel Wilkerson loses a year of his life, a retirement he honorably worked 20+ years for, and his good name. I am saddened by this gross miscarriage of justice.

I respectfully ask that you review the trial record and associated evidence with an open mind. If, as I do, you see that Colonel Wilkerson was wrongly convicted I implore you to set aside this verdict. At the very least, I would ask that Colonel Wilkerson be given an impartial trial by a jury of his peers, and that the next jury get to hear all of the evidence collected in the case.

Respectfully-

(b)(6)



(b)(6)

16 December 2012

Lt Gen Franklin
The Convening Authority
James H. Wilkerson Court-Martial

General,

I'm writing you concerning a friend and former colleague, James Wilkerson. I am a recently-retired Air Force Lieutenant Colonel and career F-16 fighter pilot. I'm an Air Force Academy graduate, and flew at Pope, Shaw (twice), Osan, and Luke, including three combat deployments. (b)(6)

(b)(6)

I first met Jay Wilkerson at Luke AFB in late 2001, when we were both getting checked out as B-course Instructor Pilots. We crossed paths occasionally at Luke, but flew in different squadrons. Our relationship was renewed several years later in 2007 when we both PCS'd to Shaw AFB within a few days of each other, and moved into new houses that were less than 100 yards apart. We immediately remembered each other from Luke, and proceeded to settle into the neighborhood together. My wife became friends with Beth Wilkerson, and my oldest son was soon best buddies with the Wilkersons' boy, (b)(6). For the next two-and-a-half years, I knew Lt Col Wilkerson as both a friend and a co-worker. We flew together, worked together, and regularly socialized in the evenings and on weekends in family and neighborhood get-togethers. I have spent many evenings at the Wilkersons' house in situations that have much in common with the night of the alleged incident at Aviano. I know Jay and Beth Wilkerson very well.

I know Jay Wilkerson well, and have seen him in many situations. He is a cheerful, energetic, jovial and generous man. I trust him. I would stake my life on his word. I have trusted him with the safety of my wife and my children. And I know that he is not capable of doing what he was convicted of doing. I have friends who were present at the Court Martial, and it sounds like he was convicted solely on the uncorroborated testimony of the accuser. There was a great dog-and-pony show designed to vilify "fighter pilot behavior," that, while unusual to the non-rated members of the jury, was neither immoral nor criminal, and had nothing whatsoever to do with the night in question. The result has shaken my faith in the military justice system.

General, I do not condone tolerance of sexual assault in any manner – least of all by Air Force members. I believe those who are guilty of such behavior should be punished without mercy. But I also believe that in this case, James Wilkerson was wrongfully convicted. I urge you to review the transcript of the trial. Look for any certain evidence that Jay did this thing – I don't believe you'll see any. I realize that in today's climate, it may not be realistic to ask you to set aside the verdict. But I would encourage you to order a new trial – perhaps based on the exclusion of testimony from a General Officer that would have impugned the credibility of the accuser. Please give Lt Col Wilkerson a chance to clear his name. And help restore the faith of a legion of fellow warriors in the validity of the military justice system.

Very respectfully,

(b)(6)

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Lieutenant Colonel, USAF (Retired)

(b)(6)

December 14, 2012

Lt Gen Franklin
The Convening Authority
Lt Col James H. Wilkerson Court-Martial

General,

My name is (b)(6) am the wife of a now retired fighter pilot. I have spent the last 10 years of my life as a military wife and full time mother of two boys. Before that I worked as a (b)(6)

(b)(6)

(b)(6) I am a friend of the Wilkersons.

I met the Wilkersons when we moved to Sumter, South Carolina in July 2007. My husband had recently been assigned to Shaw AFB. Beth Wilkerson was one of the first people I met in our new town. We were neighbors, they lived two doors down. My eldest son quickly became best buddies with Jay and Beth's son (b)(6) and we all became friends soon after. My family was very fortunate to have friends and neighbors like Beth and Jay. Our boys spent many days on end playing and having sleep-overs either in our house or theirs. My husband and I spent many a weekend night, holidays, birthday parties or Air Force functions celebrating with the Wilkersons along with other friends and family. At many of these occasions drinking was involved. I have been in situations very similar to what the Wilkersons were in on the night in question both personally and with the Wilkersons. No-notice get-togethers, spontaneous parties, coming back after a fun night at the O-Club to continue the fun. As a military wife we are often in situations where no-notice events and social get-togethers happen and we always do our best to be good and hospitable hosts. My point is that we got to know the Wilkersons intimately and can attest to their character, their relationship with each other, with friends, colleagues, and subordinates.

Sir, I have had the good fortune to meet many wonderful people through my husband's military service but the Wilkersons stand out in my mind. They are two of the warmest, friendly, open, generous and hospitable people I know. They welcome you into their home, their lives and they work hard to ensure you feel looked after. They go above and beyond to help you out. They are dependable, reliable and trustworthy, and committed to each other, their son, their service, the people they serve under and those that they lead and influence every day. I have many fond memories of our time in Sumter and that is in no small part to the friendship we enjoyed with the Wilkersons. I often think back and

remember the happy times we shared and pull on those memories when I am in short supply of good cheer. I think of Jay all dressed up on Halloween as a coach with his whistle ready to help marshal the kids safely around the neighborhood for trick or treating. He had at least twenty kids under his care, and he took charge to ensure the safety of all of our children while keeping it festive and fun. The kids loved it and him. I often think of how blessed I was to have a neighbor and friend in Beth who would take charge of situations when things were challenging, take the children off your hands for a break, treat them to extra special days out, host dinners and bring the neighborhood together in such a way that it felt like family. Outside of social events I often sat with Beth while the kids played and us Moms would just chat. Beth is just one in a million. She is so very generous. She is committed to her son (b)(6) and Jay. She has lived through many deployments and remote tours and has never wavered in her responsibilities to do what needs to be done. She is a strong woman who has made many sacrifices to support her husband in his chosen career. But make no mistake, she is no pushover and does not suffer fools gladly. Beth loves Jay very much but she is not the kind of woman that would put up with any behavior that was less than honorable from her husband. I share these few memories with you because I hope to give you some idea of the Wilkersons I know and respect. Through their hospitable and generous nature they have inspired others to a more hospitable spirit. They care deeply for others and are always willing to be there for you. I have never once had cause to question the Wilkersons' honesty or integrity and I have never felt anything but safe in the company of Jay.

All this that I know and have experienced with the Wilkersons makes the events of the last few months seem all the more unfathomable to me. I was shocked when I learned of the charges against Jay but I was confident that the investigation would prove that these charges were false. But instead it got worse. As the court-martial approached, I was sure that the truth of these peoples' character would emerge and that Jay would be found innocent. But to my utter surprise that did not happen and a family that I know and care for has been put through hell. I am still in shock. I cannot sit by and watch as two people who have devoted their lives to honorable service have their characters twisted into something I know they are not. I believe Lt Col Jay Wilkerson to be innocent of these charges and it is my hope and prayer that as you review this case you too will see some serious flaws and have the courage and strength to right this serious wrong. In order to arrive at a guilty verdict one would have to believe beyond reasonable doubt that the alleged victim was telling the whole truth, and that not only Lt. Col Wilkerson but his wife Beth was lying about what happened. One would have to further believe that Beth was colluding with her cheating Husband in an attempt to cover up what transpired. I know the Wilkersons - Jay would never jeopardize his relationship with his wife and son in this manner, and Beth would not have wasted a moment on a cheating husband. The prosecution painted Jay as some kind of reckless, irresponsible, untrustworthy character despite 20 years of impeccable service to his country and a history of honorable behavior and character. They painted Mrs. Wilkerson as a woman devoid of self-respect, who was willing to lie to protect her husband. These are not the Wilkersons I know!

Sir, I am asking you to look to this matter further. I know that current events within the Air Force have put sexual harassment front and center. As a Human Resource professional, I have worked in various organizations and in each one played a part in implementing policy regarding sexual harassment. I understand the importance of these matters! The Air Force needs to act to weed out those that would take advantage of their position and act dishonorably with their colleagues and subordinates. But the Air Force also has an obligation to ensure that those who are charged with such acts are investigated thoroughly and given a fair hearing. I am confident that when you review the details of the investigation and the transcripts of this court martial you will also have some concerns about the process. Should this be the case, I am respectfully asking you to intervene. It is my hope that you will set aside this conviction. If that is not possible, then I hope and pray that you will see fit to seek a re-trial. Please give these fine folks the opportunity to present all of the truth and to defend themselves fully. Lt Col Jay Wilkerson, Beth Wilkerson and their son (b)(6) deserve nothing less.

Respectfully,

(b)(6)

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13 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL (b)(6)

SUBJECT: Clemency Request – Lt Col James Wilkerson

1. I am the (b)(6)
(b)(6)

(b)(6)

Remember how difficult it was to get airspace back then. I recall blasting off with three separate plans, boondoggled some airspace, and executed a LOWAT opposed SAT ride. It was a blast! I particularly remember when you took the pens—a lot of learning went on that day. I doubt you recall that particular sortie, but I hope you remember some of the times we interacted. We had a few one-on-one conversations about the Air Force and life in general. During those conversations, you spoke to me about things more important than how to adjust your LOWAT pop to find the wire when you action .2NM too late. Though this letter is not about our time together at Kunsan, I will take this opportunity to thank you for your mentorship and leadership during that time in Korea. But this letter is about a friend of mine, Lt Col Jay “Roscoe” Wilkerson and his loving wife Beth and their son (b)(6)

2. I first heard about Lt Col Jay “Roscoe” Wilkerson while being deployed at Bagram AB, Afghanistan in 2011. My wife Jennifer couldn’t say enough about Roscoe and his family. She was so excited for me to return so I could meet the Wilkerson family! After returning in October 2011, our friendship with the Wilkerson’s began immediately. As you know, Aviano is a busy place. As a current (b)(6) and with Roscoe being the Deputy Operations Group Commander, we tackled a lot of issues together. To say we spent a lot of time at work together is an understatement. We also spent a lot of time together socially—him and me, as well as, our families. Roscoe and Beth would graciously care for our kids while they stayed the night at their house; my teenage daughter (b)(6) loved being at the Wilkerson home. Our families took day trips together and even overnight trips too. We quickly developed a deep friendship with the Wilkerson family.

3. I know several things about Jay “Roscoe” Wilkerson. I trust him. I trust him with my wife and children, because Roscoe is faithful. He is a faithful and loving husband and father. He is selfless—a true giver—the type of human being that gives and never expects anything in return. He enjoys helping others; I’ve seen this professionally and personally. If I had overdue OPRs, Roscoe would say, “Send me your three toughest OPRs, and it is done brother.” Roscoe is a problem solver. Whether it is an issue at work or home, Roscoe never turns a blind eye. He wants to help and will drop whatever he is doing to be there for a friend. Beth is the same; her sweet southern charm and warm heart is loved by all. I recall one rainy Sunday morning when Roscoe asked me to bring my road bike to his house. I had mentioned in passing my gears were

skipping, so he of course offered to give the bike a quick tune-up. After inspecting my somewhat expensive and VERY dirty road bike, he shook his head, laughed and called up to Beth.....“Honey, order some pizzas, Nut is going to be here awhile.” He spent his entire Sunday tearing down, cleaning, adjusting and tuning my bike. These may sound like inconsequential examples, but they are not. They are just as exemplary as the time when Roscoe came to the aid of one of our good friends—a good friend who was struggling with the added stressors that Aviano indiscriminately imparts upon those who serve here. He was a fellow commander that simply needed someone to lean on and talk with. Roscoe steered him in the right direction. Sometimes just a little nudge or words of encouragement is all that is needed. Our friend is doing fine now. Roscoe is dedicated. He is committed to his son, his wife and to the life they have built together in the Air Force.

4. Sir, I attended nearly the entire trial; I only missed a portion of the first day and only two hours of an additional day. I emphatically believe in Roscoe's innocence; however, that is not why I wrote this letter. I sent this letter to ask for compassion towards Beth and (b)(6) Wilkerson. I am asking you to be that same kind of leader and person you were for me at Kunsan and dig deep into your heart and levy mercy upon his family. At the least, I ask you strongly consider the following: #1) Waive Roscoe's forfeitures to Beth—for her and precious (b)(6) Beth still has the responsibility to care for her loving son. #2) Bring this dedicated husband and father home to his wife and son (b)(6) Reduce Lt Col Jay Wilkerson's confinement. Please impart your compassion and leniency upon Beth and (b) by waiving Roscoe's forfeitures to Beth and reducing his sentence for the benefit of (b)(6)

(b)(6)

(b)(6)

11 Dec 2012

To: THE CONVENING AUTHORITY

Subject: Lt Col James H. Wilkerson Court-Martial

Dear General Franklin,

I am the spouse of (b)(6). I have served 14 years of honorable active duty service in the United States Air Force, six of them enlisted and eight as a commissioned officer in the Nurse Corps. With the majority of my military nursing career in the field of women's health, I have always been an advocate for women. Additionally, I was a staff member for a congressional task force charged with examining matters relating to sexual assault in the military services. In this role, I was specifically involved with the victim advocacy piece. While on active duty, as a Captain, I also served as a court-martial panel member on a sexual assault case whereby we convicted and punished the accused.

I met Lt Col Jay Wilkerson, his wife Beth and their son (b)(6) when my husband was deployed to Afghanistan in the summer of 2011. My husband, at the time, was (b)(6). (b)(6) He has since taken command of the same squadron. At the time, Lt Col Wilkerson was serving in the role as the Deputy Operations Group Commander. I was really excited to first meet them since we have mutual friends who had told me many wonderful things about the Wilkersons. I was immediately impressed with Lt Col Wilkerson's commitment to his leadership responsibilities as the Deputy OG and to our deployed husbands. His professionalism and leadership, in my eyes, was top notch. I socialized almost weekly with Jay and his family at various friends homes, to include theirs. Upon my husband's return in Oct 2011 from Afghanistan, our families socialized regularly, a couple times a week. This included dinner parties, lunch dates, casual encounters, travel together, etc. On many occasions we went on wine tours in Italy to learn about wine making and to sample the various types. We have been around them many times when alcohol was being consumed. We had quickly become very close friends and our boys played together and had many sleepovers, to include at the Wilkerson home. My teenage daughter frequently spent time at the Wilkerson home babysitting for (b)(6). When my husband was informed he would be (b)(6), the Wilkersons watched our children overnight for three days while we attended squadron commander school at Ramstein, Germany. I trust Lt Col Wilkerson and his wife Beth, to this day, with my most precious possessions.

General, I believe in Lt Col Wilkerson's innocence. I attended all the court proceedings, minus the first day. I believe this man has been wrongly convicted and harshly sentenced to loss of his retirement and a year in confinement. I do not believe he committed this crime and there was no evidence to support this conviction. I believe the testimony of his wife, Beth. She is 100% credible. Her character and poise on the stand was unwavering. She is a kind and honest woman.

with a sweet southern charm. He is a true leader in every sense of the word. He is committed to mentoring fighter pilots as much as he is committed to being an amazing father and role model to his son. Jay and Beth did not lie. I firmly believe this to be true and will forever take this stance.

My hope is this; when you read the transcript of the trial, you will question the verdict and sentence. I do wish to add one point regarding the trial. It was very disturbing to me that the accused could not even identify the room where this alleged offense occurred. She carefully reviewed multiple pictures of the Wilkerson house and emphatically denied ever laying down in any bed in that house. I have known the Wilkerson's since their arrival, and they have never altered the furniture or the setup of their house.

Sir, this man is not a predator. He is not a criminal. He is not a risk to society. He does not belong in chains behind bars. I pray that you will see this innocence as well, as many of us who attended the trial did, and that the case be set aside. If this is not possible, a retrial would be requested. Please allow this dedicated and loyal officer, leader, fighter pilot, father and husband to be with his wife and son and receive the much deserved retirement that he has earned.

Respectfully,

(b)(6)



(b)(6)

Lt Gen Franklin
CONVENING AUTHORITY
James H. Wilkerson Court Martial
3rd Air Force
Ramstein AFB, Germany

15 Dec 2012

General Franklin,

While you and I do not personally know each other, I know of your outstanding reputation in the F-16 community and therefore feel compelled to write you this letter on behalf of LtCol Wilkerson. I am Lt Col (b)(6), recently retired from my position (b)(6) In that position, (b)(6)
(b)(6)

During my time attached to the 77th, I had the pleasure of working closely with LtCol Wilkerson when he was serving as the squadron DO. My relationship with "Roscoe" was primarily a work relationship, although we did see each other outside of work on many occasions. I thoroughly enjoyed my working relationship with Roscoe, and I found him to be an excellent operations officer. Outside of the workplace I enjoyed Roscoe's company as well. Through the many squadron parties, roll-calls or O'Club nights that we enjoyed together, I never observed any behavior that would lead me to believe any of the charges that have been brought against him.

Sir, I know from conversations with friends that you are a fair-minded officer of the highest integrity, and therefore you must be terribly troubled by these recent events and the subsequent court martial of Lt Col Wilkerson. While I cannot claim any first-hand knowledge of the incident in question, I do know enough of the circumstances to believe whole-heartedly that Roscoe's conviction is an incredible miscarriage of justice. I believe that an overzealous JAG corps engaged in a misguided prosecution in a cynical attempt to improve the USAF's public image. It seems clear to me that there is no way this conviction will stand the scrutiny of an honest appeal process. It is my sincere hope that you will intervene to ensure that Lt Col Wilkerson receives a fair and just new trial or dismissal of the charges.

I sincerely thank you for your attention in the matter. I am available for any questions that you may have at any time.

(b)(6)

03 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: (b)(6)

SUBJECT: Clemency Request - Lt Col James Wilkerson

1. Sir, I am stationed at Misawa Air Base and last worked with Lt Col J. "Roscoe" Wilkerson at Kunsan Air Base. I am currently a (b)(6) (b)(6) (b)(6) during my second tour at Kunsan from May 2010 to May 2011. I first met Roscoe two or three days before his change of command and spent a great deal of time with him both on and off-duty. We lived beside each other and I saw him on a daily basis seven days a week. I've been in the Air Force for 17 years this month and I really enjoyed working both for and with Roscoe.
2. As Roscoe's (b)(6) I was always in his office or his residence to make sure we passed a consistent message as the (b)(6) (b)(6) If we weren't flying then we were probably discussing operations or personnel related items. Outside of work I was pretty much tied to his hip as well because we had a close personal and professional relationship. The bottom line is that unless we were on opposite flying schedules or on leave, I was with Roscoe throughout most of my year in Korea.
3. My squadron recently returned from an AEF deployment to Afghanistan so I did not attend Roscoe's trial. The only information I have is that which is available on-line/in open press but I was shocked by both the charges and the verdict levied against him. Beth and (b)(6) made several trips to Kunsan and I was fortunate to be able to meet and get to know them as well. I know Roscoe loves Beth and (b)(6) very much and without the specific details of the case I find the charges difficult to believe. Regardless of the situations he faced at Kunsan he always displayed impeccable judgment and military character. I never saw Roscoe act inappropriately or in the manner that would imply that he was even capable of committing the acts which he's been found guilty of. I believe Roscoe made a mistake by inviting the accuser to his house after the group of individuals he was with had been drinking but it's difficult for me to believe he committed an act as grievous as the one he was found guilty of. I was and still am proud to have met and worked with Roscoe.
4. As I stated above, all information I have on this case is second-hand at best but I believe Roscoe was a target of opportunity for the Air Force. I realize I will never have the full story or the truth but I ask for your leniency for Roscoe, Beth and (b)(6) and that you reduce the duration of Roscoe's confinement. I also ask that you allow Roscoe's forfeitures be waived for Beth and (b)(6)

(b)(6)

12 Dec 2012

Lieutenant General Franklin
Convening Authority
James H. Wilkerson Court-Martial

General Franklin,

I am a retired F-16 pilot who served Active Duty, Air National Guard and Reserve. I live in Sumter, South Carolina where I still keep close ties to the 77th Fighter Squadron, 20th Fighter Wing and South Carolina Air National Guard (b)(6)

(b)(6) I only mention these to illustrate that I deal with a wide and diverse group of people on a daily basis both in the military and the civilian sectors.

I met and worked with Lt Col Wilkerson while he was at Shaw and I was a reservist attached the 77th Fighter Squadron. My dealing with him and his family were both professional and personal as members within a squadron. As you are aware, the need to establish the bonds of trust is required during deployments for both the warfighter and the family back home. After my retirement I often ran into Lt Col Wilkerson and Beth at social events or visits to the squadron, even on his mid tour from Korea. In all my dealings with Lt Col Wilkerson, both professional and personal, I have held the opinion that he was an outstanding officer, leader, role model and pilot.

I read about Lt Col Wilkerson's arrest and court-martial and was floored. I could not imagine in my wildest dreams that he would have done what he was accused of. When I heard he was convicted I was surprised that the man I thought I knew well had done this. Recently I have been made aware of the facts of the case and my original convictions and gut feel about the man are being restored. A good man has become the victim. An excellent officer has been tarnished. A family has had to endure untold pain, humiliation, separation and suffering. This based entirely on the words of his accuser, not evidence that a crime was actually committed.

Presumption of Innocence traces its roots to Ancient Greece and Ancient Rome, and, Deuteronomy and is a foundation of Liberty, the concept this nation is founded on. It was codified in the US by the US Supreme Court in 1895. "It is better that 5, 10, 20, or 100 guilty men go free than for one innocent man to be put to death" is as true today as it was 2012 years ago. While I await the transcript of the case, conversations from members who attended the trial and personal knowledge of the "social situation" involving the accuser and at least one other high ranking officer place significant doubt as to the impartiality and fairness of the trial, its proceedings and its outcome. The 6th amendment to the constitution; that which we all swore under oath to protect and preserve, grants a trial "by an impartial jury of the State and district wherein the crime shall have been committed", in other words right to be judged by a jury of one's peers. It defies critical thought that one could convene a jury where not a single member represents the career field of the accused; over half represent the accuser and come to the conclusion that this was an impartial court.

Additionally, this trial was about character. It appears from anecdotal evidence and hearsay that the character of the warfighter community as a whole was put on trial, not one man. There does not appear to be any evidence that the crime was committed. There appears to be ample doubt and evidence; including damning testimony withheld from the jury (BG Millgan's character statement) that would preserve the Presumption of Innocence vs the Presumption of Guilt.

Sir, these are trying times. This country has been at war since you were a Fighter Weapons School Instructor and the political climate has changed considerably. There is the truth and there is justice. Truth must not be allowed to be swallowed or we as a nation are at risk. Based on what you read in the transcript and what you can ascertain by people who take their personal time to vouch for the character of Lt Col Wilkerson I hope you arrive at the conclusion that the truth is disconnected from the outcome, and the punishment levied does not fit the circumstances.

As the convening authority I urge you to reconsider the outcome of this trial and grant Lt Col Wilkerson some level of clemency, at a minimum to be released from confinement and his forfeitures be waived pending his appeal.

Respectfully,

(b)(6)



11 Dec 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL (b)(6)

SUBJECT: Clemency Request – Lt Col James Wilkerson

I am currently an (b)(6) Over then span of my Air Force career, I have served (b)(6)
(b)(6)

My first interaction with Lt Col Wilkerson and his wife Beth occurred very early in my flying career at Misawa AB, Japan. Roscoe was a member of the 13th Fighter Squadron while I was in the 14th. At that time, the rivalry between the squadrons was intense and the pilots from the respective squadrons interacted very little. Despite that fact, Roscoe and Beth made it a point to reach out socially to individuals in the other squadron and their spouses. Their warm and caring personality was one of the factors that eventually lead to the lasting détente between the two squadrons. I, and my wife, fondly recall socializing with the Wilkersons and knew them to be nothing other than caring individuals who would give the proverbial shirt off their backs to help others.

While we were never stationed together again, we remained in contact with the Wilkersons throughout our careers. Our most recent interaction with them as a couple was a few years ago at Langley AFB where Roscoe and Beth were attending an air show as a part of Roscoe's final try-out for the position of Thunderbird Commander. You can imagine the caliber of officer, gentleman, and pilot that Roscoe is to be a finalist for that coveted position. Following that meeting, I remained in contact with Roscoe, and he was a source of sound advice when I sought advice about my Air Force career. If I have not made it clear thus far, I have a tremendous amount of respect for both Roscoe and his wife Beth, and I firmly believe that they are the type of people the Air Force wants in its ranks.

I was very distraught to learn of the charges that Roscoe was facing a few months ago. First, there is nothing that I have ever observed in Roscoe's behavior that would lead me to even remotely suspect that he is capable of such an enormous lack of judgment that he would choose to sexually assault a woman under any circumstances much less in his own house with his wife, child, and someone else's children present. I have socialized with Roscoe and his wife and seen them in the full spectrum of social gatherings that occur in the military to be confident of my belief. More importantly, I am distressed about how the case against him was made, and I have no choice but to believe that he was sacrificed at the alter of "Air Force image" to help the Air Force shed baggage from recent missteps within the service. I cannot imagine a civilian court so callously disregarding the rights of an accused to not even allow testimony that would bring the accuser's integrity into question. Furthermore, I am dumbstruck that there was no concrete

evidence presented in the case. The OSI never collected any physical evidence when they set foot in the Wilkerson house to investigate the crime scene, and I refuse to believe that a medical professional would fail to seek the appropriate physical examination following a claimed sexual assault. While I cannot personally litigate his case, I do know enough about the law to know in my heart that the process by which he was found guilty was seriously flawed if not down-right criminal in and of itself. Simply put, Lt Col Wilkerson was convicted of a heinous act with no proof of a crime based solely on one woman's word against his own and his wife's word. Knowing Beth, had she truly walked into the situation the accuser claims, I can assure you that it would have been Roscoe and not the accuser that would have been kicked out of their house that morning in Italy.

Much of the evidence presented throughout the trial was really evidence of nothing that points to Roscoe's guilt. The fact that the burning of a couch was presented as an indication of Roscoe's poor military character is a farce. I cannot recall a fighter squadron that I have been a part of that has not done such things during morale functions. Further evidence was presented from his assignment at Kunsan. Having been assigned at that base twice, and also being aware of the fact that several facilities there have unisex bathrooms, I cannot count the number of times that either I or someone in my squadron has been placed in a similar situation as Roscoe. However, in Roscoe's case, these situations were presented as evidence of his predatory nature. As the father of two young daughters, I have enough awareness on the issue to know that sexual predators are just that...predators. They don't wake up one night after forty years and decide to suddenly become predators. There is no history in Roscoe's life of such behavior. No one came forward to corroborate such behavior from Roscoe past even after his trial became a public circus. This speaks volumes in my opinion to Roscoe's propensity, or lack thereof, to act in a manner described during the trial.

Based on the facts of how Roscoe's trial was conducted, I would respectfully ask that you review the case in an unbiased and intellectually honest manner. In the interest of due process, I think, at a minimum, Lt Col Wilkerson deserves a retrial by a jury of his peers with the full scope of evidence present for his defense. What was the testimony from a Brigadier General that was so damaging to the accuser that it was not even allowed during the trial? Why did the OSI never even attempt to gather any physical evidence? Why would a victim of such a heinous act feel sorry that it had such a huge impact on his career and life and that such severe punishment was never her intent? Why was the prosecutor's closing argument so heavily focused on protecting the Air Force's image over proving Roscoe's guilt beyond a reasonable doubt? As you can see, there are more questions that this trial raises than answers. I ask you to please overturn his conviction or at least allow for a retrial under neutral circumstances. A man's life hangs in the balance. An innocent man, his wife, and his son's lives hang in the balance.

(b)(6)



3 January 2013

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL (b)(6)

SUBJECT: Clemency Request for Lt Col James Wilkerson

1. I currently serve (b)(6)

(b)(6)

2. I first met Lt Col Wilkerson and his wife Beth and son (b)(6) when I helped to sponsor their arrival to Aviano. My wife and I have spent a numerous amount of time with the Wilkerson family and Lt Col Wilkerson specifically both off and on duty in professional and social situations. Specifically, I was the (b)(6) when Lt Col Wilkerson was the Deputy Operations Group Commander as well as the Chief of Inspections. While he worked in these two jobs, I interacted with him daily over numerous issues such as Operation Odyssey Dawn, the standup of the new Inspector General System for Aviano and the preparation for the wing Combined Unit Inspection. In addition, my wife worked directly with and for Lt Col Wilkerson while he was the Inspector General. Many of the professional situations that were brought up in the trial we were directly or indirectly a witness to, therefore we have a firsthand account. In addition, I spent a tremendous amount of time with the Wilkerson family and Lt Col Wilkerson in social situations over countless dinners, ski trips and other events over the last two years. If I wouldn't have been celebrating my birthday with family, I most assuredly would have been with Lt Col Wilkerson the night in question.

3. Lt Col Wilkerson is a fantastic officer and family man period. Obviously the trial was not one based on evidence, but rather it was one based on people testifying to the reputation of a man and even his wife since she testified to what happened that night as well. I was a part of many of the situations identified in the trial as "unprofessional" that were used to build a case for Lt Col Wilkerson's guilt. These situations were laughably portrayed with inaccuracies and laced with ruinous falsities that reek of contempt for a culture and frustration by "out crowd" people. The bottom line is that this portrayal of a man and his wife's character are not what any of us saw while a part of these situations nor is it what we saw professionally. Never in all of the times had I spent with Lt Col Wilkerson did I see him make one disrespectful or disparaging remark towards women or act in any way that would embarrass or damage his wife, family or professional reputation. My wife has attested to this as well as a female officer serving with Lt Col Wilkerson for over a year on a daily basis. His wife Beth is a staunch woman of class and integrity who could only be found guilty of being too welcoming to the entire spectrum of personnel at Aviano. Aviano during his time here was an incredibly stressful and challenging environment that taxed and bent even the most resilient professionals. Lt Col Wilkerson is one of those rare officers that provide tremendous clarity and levity to the most difficult situations while able to stand and assert

professional competency simultaneously. At times, this could rub some of the less resilient professionals the wrong way, but in every case I believe Lt Col Wilkerson was 100% in the right. When a wing is the first wing to push the new Inspector General program, while simultaneously conducting combat operations as well as struggling to generate training lines, an Inspector General will at times be required to be the bearer of plain truths and hold poor performers responsible. I believe some of the frustrated individuals that testified in the case were these exact individuals who perceived Lt Col Wilkerson's levity and clarity as unprofessional. I am so grateful for his levity and clarity, because in my opinion the 31st Fighter Wing would not have executed its mission of executing combat operations over Libya while preparing a new inspection system without the level headedness and competency of Lt Col Wilkerson.

4. I humbly ask in favor of the good order and discipline of the Air Force for the sentence for this "he said she said" situation be reduced to only time served. I strenuously appeal for the severing of compensation for retirement to be reinstated to the Wilkerson family and the punishment for sex offender status to be terminated as well. These two punishments are the most troubling decisions I have been witness to in my 18 year career and in good decency as an Officer, I cannot comprehend how these could stand with no evidence and from a trial based on speculation.

Thank you for your consideration

(b)(6)



20 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: LT COL (b)(6)

SUBJECT: Clemency Request – Lt Col James Wilkerson

1. Sir, I am an active duty Air Force Lieutenant Colonel currently serving as (b)(6)
(b)(6)

2. We first met professionally while my squadron was supporting various communication issues for the Operations Group. We discovered that we were neighbors and our families became very close. Mrs. Wilkerson and my wife Angela became best friends and their son (b)(6) became like part of our family as well. My daughter (b)(6) became their favorite baby sitter and we attended many socials and family celebrations together to include week long vacations. I had the opportunity to observe him and his family in multiple settings, observing nothing that would indicate him as anything other than a well-rounded professional and a dedicated family man. I saw how he interacted with his wife and son. My wife often mentioned how good he was to Beth and (b)(6)

3. Lt Col Wilkerson has a stellar record and I was impressed at how he led the implementation of the Air Force's new IG construct for the 31st Fighter Wing. I was not surprised that he was selected for promotion to Colonel. When I first learned of the allegations against him, I was utterly shocked as were many others. As a former law enforcement officer, I have experience dealing with similar allegations, but not once did my investigative intuition and interview experience detect guilt or deceit. I was not surprised that there was no evidence of the allegation other than a "he said, she said" circumstance, from an alleged victim with (b)(6). From 7 years of previous courtroom experience, I expected that the standard of "beyond a reasonable doubt" could never be met in a court of law. That in itself was not the sole reason I felt he was not guilty. Not once was I concerned about my family's safety in their interactions with him. After knowing Mrs. Wilkerson for only a short while, I believe he had to pass a more rigorous standard at home. Mrs. Wilkerson would not have supported him if she felt that there was even a hint of

impropriety on his part. I was shocked to discover that the jury made their decision and returned a guilty verdict

4. Sir, I believe that sexual assault and harassment should be punished and fully support the Air Force's position of zero tolerance. I know we hold our military personnel to higher standards than our civilian counterparts and rightfully so. Our system protects the rights of victims and the accused. It does not appear that the rights of the accused were fully considered since not all evidence was allowed to be presented. As I understand it, only Lt Col Wilkerson's character was allowed to be questioned, not the alleged victim's. Granted, the alleged victim was not on trial, but her (b) (6) court room setting.

5. With so much lost for Lt Col Wilkerson and his family hinging solely on the testimony of a questionable witness, I respectfully ask that a new trial be considered so that a jury could sort through all evidence or at least a reduction of confinement and waiver of forfeiture of pay to Beth & their son (b)(6) (b)(6)

17 December 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: Lt Col (b)(6)

SUBJECT: Letter in Support of Clemency for Lt Col James Wilkerson

1. I respectfully submit this memorandum on behalf of Lt Col Wilkerson and in support of deliberations regarding potential clemency by the convening authority. While I was not able to participate in the court-martial proceedings and have only reports of what transpired, I felt compelled to help "fill-in" the picture of a family that has 21 years of proud service.

2. I am an Air Force Lieutenant Colonel with over 20 years service myself. In these 20 years I (b)(6)

believe I am the only individual in our AF to have served with Lt Col Wilkinson in four consecutive assignments and therefore able to accurately describe he and his family.

3. I first met Jay and Beth while assigned to the 13FS at Misawa AB, Japan. As you know, many overseas assignments serve to bring members of a unit together not unlike that of a close family. My wife and I had plenty of opportunity to get to know the Wilkersons as peers and as friends. Jay and I have deployed together on multiple TDYs and I've seen him as a pilot, project officer, Flight Commander, husband and father. I have a unique perspective because, as I said, I've seen his evolution over four consecutive assignments. The last assignment was year-long

(b)(6) We lived a few floors away from each other in the same apartment building and spent most off-duty time in each other's company, making the best of our separation from family. Even in this austere location, Jay's character was beyond reproach and he demonstrated to me that he wasn't a "what goes TDY stays TDY" personality. His love for his wife and young son resembled my own and in him I felt comfortable relating as a husband, father and professional officer. I was (b)(6) when he became Juvat One and had the great opportunity to watch him take the guidon at Kunsan and then work with him on the peninsula over the next year.

4. Jay Wilkerson only knows one way: The right way. He demonstrated that in everything he does whether it is duty related or personal. I have seen him lead the squadron to Maple Flag as a project officer with flawless results and I've watched him train new F-16 students with an infectious enthusiasm that you couldn't help but admire. I've seen him lead his peers in many

venues, not the least of which was our IDE stint at AFIT. When "Roscoe" spoke, you couldn't help but take note. His ability to connect is a gift, one that I got to witness repeatedly but to greatest effect while representing his nation at CC-Air Izmir. Staff officers got to see the immensely qualified US fighter pilot interact and create new international pathways and connections that I guarantee are still proving fruitful for the alliance. Even though I didn't get to see him in his Director of Operations role and only sporadically as a commander, he has always put his troops first as a mentor, role-model, and leader.

5. The image of Jay committing the act that he has been convicted of is in complete dissonance with what I know of the man. As I stated above, I was not there at the proceedings and can only frame my doubts from media attention and conversations with friends and family in attendance. From what I know of the case, there seems to be plenty to call into question the fairness of the venue and participation. First, a jury of peers should require a "peer" to be seated. The fact that medical personnel, consistent with the accuser's background, constitute the lion-share of the jurists is counterintuitive to an unbiased proceeding. Second, in an evidence-free court martial, a battle of he said, she said if you will, the deference is going to be given to those whose character will be judged more solid. From all accounts, Jay's character was maligned greatly in this battle while the accuser history is apparently off-limits. This fact is abundantly obvious reading the Stars and Stripes account of the court-martial as no mention is ever made of defense counters to these attacks. I understand after the fact that the trial judge would not allow any questions that would impugn the accuser's character even though that it would have shed light on her personal history. I don't condone victimizing a victim, but when it comes down to character versus character, it should at least be a fair fight.

6. I respect our system under the UCMJ and frankly, am counting on it to still rise to the occasion. Prior to considering a reduction in sentence, I'd ask you to examine any and all discrepancies in this case and consider a new trial. I do believe in the UCMJ system and also believe there are enough inconsistencies in this instance that Jay will have a significant opportunity in the appeal process for justice to be served, a new trial would see it done quicker. If you are unable to do so or feel the process has followed the appropriate course, I'd ask that you reduce this sentence commensurate with other punishment that has been meted out in similar cases. This sentence, on its surface, seems designed to prove the AF can be tough on sexual assault and that no one is above punishment, especially an officer.

7. I have felt personally conflicted in this process. For me, it lies between two possibilities, neither of which are palatable. First, either I am not the judge of character that I have been developing over 20 years of service, a possibility I'll except if the appeal process concludes with no change, or an innocent man is now sitting in jail with his record of service erased. The latter is the odds-on favorite in my book.

8. I stand ready to respond to any questions you may have in this very difficult decision. While our force needs to understand that any act of assault will have its consequences, they should also be confident in its ability to find truth.

(b)(6)



5 Dec 2012

MEMORANDUM FOR THE CONVENING AUTHORITY

FROM: Lt Colonel (b)(6)

SUBJECT: Court-Martial of Lt Colonel James H. Wilkerson

General,

I am a 17 year Senior Air Battle Manager with over 2500 CMR/Instructor flying hours to include over 1000 combat hours in the E8C (JSTARS). I entered the Air Force and trained to Air Battle Management. I have held various squadron positions to include: (b)(6)

I joined the Air Force to follow in my only sibling's footsteps. Jay Wilkerson, "Roscoe" is my mentor through the AF as well as family. When our father passed away in Aug 2006 we relied on each other even more. We would gather at least once a year at our home in Wrightsville Beach and on our fishing boat "Flyboys" to compete in fishing tournaments. We are a close family and this guilty verdict has turned our family upside down. I trust my brother more than any other person.

My brother's performance reports are enviable, especially given his stratifications. He was a finalist in the selection of Thunderbird 1. This is because he is not only a 20+ year veteran and consummate professional, but an extremely well liked, trustworthy, credible emissary of the Air Force. I traveled to Aviano AFB to stand beside my brother expecting a fair trial and his exoneration. My opinion of his innocence was solidified after viewing the taped OSI interview. He waived his rights, because he had nothing to hide, and answered the OSI's questions for over four hours. His demeanor and his statement were consistent; at the end of the interview he states: "I will swear on a bible 1000x that I did not do this." Our family's faith in the Lord is something we do not take lightly. For me, it was proof that he is absolutely innocent.

My brother did not testify because the OSI interview was more than enough to exonerate him. His wife Beth did testify. The prosecution belittled her, and portrayed both of them as liars. Beth is the daughter of a deceased decorated fighter pilot, the stepdaughter of a decorated fighter pilot, the ex-wife of a fighter pilot, and the current wife of my brother - a well-respected fighter pilot. I dare say that you could not find a woman with more loyalty and lineage ties to the AF than her. Her grace is something to behold. What she did that night was open her home to strangers with kindness and is living a nightmare for it. In closing arguments the defense counsel stated: "No good deed goes unpunished," because in reality their hospitality caused this whole mess. It is a shame because Jay and Beth are the most hospitable, trusting and easygoing people you will ever meet.

I humbly request you give attention to that the lack of evidence in this case and how an allegation can send an innocent man to jail. The prosecution successfully managed to have testimony regarding credibility and truthfulness of my brother withheld. Testimony as to the lack of credibility of the accuser

was also withheld. Additionally, the jury was not composed of Jay's peers; evidence by the fact there were no pilots on the panel. I also felt that trial took on a life of its own: Seatbelt usage, couch burning, and why my brother looked over the bathroom stall detracted from the main issue of an already weak case.

Sir, his family needs him more than you can imagine. Please find it in your heart to look over all that I and others have pointed out about what actually occurred at trial and make your own determination whether or not he received a fair trial. I pray that once you do there will be mercy and that Jay deserves a retrial. Hopefully, realization that an injustice has been committed will be apparent. If, though, you feel an exoneration or retrial is inappropriate, I at the very least ask you release Jay from confinement and return him to his family so that we may begin our healing process together, as a family, from this nightmare. Until he is returned to us, especially to his wife Beth and son (b) (6) our healing process cannot begin.

Very Respectfully,

(b)(6)

